

LEG. FINANCE - BILLS 1985 - 1986 2435

HIB 550 cont. - HB 553

2435

Alaska Statute 04.06.100 gives the Board the authority to adopt regulations relating to the creation of permits and the establishment of fees. We recommend that the ABC Board take the necessary actions to exercise this authority.

Recommendation No. 6

The ABC Board should strengthen controls over liquor license stock.

A control log is maintained by the ABC Board to monitor the issuance of licenses. However, we found that license documents utilized in the renewal of active licenses are recorded by group sequence. No record is maintained to identify to which licensee each license document was issued.

In addition, the control log does not denote which license documents have been voided because of Board denial or revocation of the license.

A good system of internal controls would enable one to determine the status and location of a license at any given point in time.

The ABC Board should review the control over the issuance of licenses and develop procedures to resolve deficiencies.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analysis indicates both positive and negative attainments of the ABC Board and how its activities relate to the public need factors defined by AS 44.66.050. This analysis is not intended to be comprehensive in nature.

I. The extent of which the board, commission, or program has operated in the public interest.

Public protection gained through licensing to control the manufacture, possession, and sale of alcoholic beverages has been adequately provided by the ABC Board. However, operational efficiency and effectiveness should be improved. See Recommendations 1-6 of this report.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personal matter.

The 1980 revisions to Title 4 have, for the most part, been beneficial to the operation of the ABC Board. However, as noted in Recommendation No. 2, certain provisions should be amended for the elimination of potentially conflicting elements.

The Board is also restricted in meeting its statutory responsibilities in protecting the public health, safety, and welfare by the size of the enforcement staff which consists of one agent in Juneau; one in Fairbanks; and four, including a supervisory agent, in Anchorage. Including the supervisory agent, there are only six agents with inspection and enforcement responsibilities for 1,679 licensed premises.

The amendments to Title 4 by chapter 93, SLA 1985 will also have an effect on the ABC Board's operation. Population limits for the issuance of licenses were increased thereby resulting in a restructuring of license availability throughout the State. Additional filing requirements were also imposed on the Board. Due to the recent passage of the legislation, the overall impact of the changes could not be determined at this time.

III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The ABC Board was instrumental in promoting most of the changes adopted through chapter 93, SLA 1985. In addition, the ABC Board participated in the development of the 1980 revisions to the statutes.

- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The ABC Board has met an average of eleven times during 1984 and 1985. During each year they have met at least once in each of the four judicial districts. Each meeting has been adequately advertised and open to all interested persons. Staff of the ABC Board are located in Anchorage, Juneau, and Fairbanks and are available to answer inquiries of the general public during all normal business hours. We believe this has provided an adequate forum for allowing public input on Board regulations and decisions.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

As noted in IV above, the Board has provided an adequate forum for obtaining input from the public.

- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

As noted in past reviews the number of formal hearings continue to be few in number. However, the ABC Board has the authority to hold its own hearings on protests which it exercises as a part of its regularly scheduled meetings. Hearings in this manner have been accomplished in a timely manner since the Board meets at least ten times each year.

- VII The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

Our review of licensing activity of the ABC Board to determine whether all statutory qualifications of licensees were being met revealed no material exceptions. The Board has therefore presented qualified applicants to serve the public.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity of interest.

No discrepancies were noted in this area during our review of the ABC Board.

IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to I and II above and to the previous section, Findings and Recommendations.

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APPENDIXES

APPENDIX A

STATE OF ALASKA
DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL BOARD
REVENUE COMPARED WITH EXPENDITURES
Fiscal Years 1983, 1984 and 1985
(UNAUDITED)
(Note 1)

	<u>1983</u>	<u>1984</u>	<u>1985</u>
Revenue (See Schedule 1)	\$1,592,957	\$1,716,950	\$1,701,968
Expenditures	<u>(605,131)</u>	<u>(692,310)</u>	<u>(653,872)</u>
<u>Excess of Revenue</u> <u>Over Expenditures</u>	<u>\$ 987,826</u>	<u>\$1,024,640</u>	<u>\$1,048,096</u>

Schedule 1
Revenue Collected

<u>Types of License</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
Liquor License Application	\$ 86,950	\$ 100,000	\$ 101,850
Pub	400	800	-0-
Beverage Dispensary	799,050	852,825	852,275
Club	41,200	43,750	44,900
Common Carrier	30,500	43,350	36,675
Restaurant	73,550	89,650	91,850
Retail Store	341,500	368,150	373,300
Wholesale General	146,700	141,350	139,100
Wholesale Malt Beverage	27,900	27,300	12,300
Miscellaneous (Note 2)	<u>45,207</u>	<u>49,775</u>	<u>49,718</u>
<u>Total</u>	<u>\$1,592,957</u>	<u>\$1,716,950</u>	<u>\$1,701,968</u>

Note 1

This revenue/expenditure comparison was prepared from available records and discussions with ABC Board personnel. The records were not audited by us and, accordingly, we do not express an opinion on the ABC Board Revenue Compared with Expenditures nor the Schedule of Revenue Collected.

Note 2

Includes recreational-site licenses, caterer's special events, and conditional contractor's permits.

APPENDIX B

STATE OF ALASKA
DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL BOARD
NUMBER OF LICENSES BY TYPE
Fiscal Years 1983, 1984, and 1985

<u>Types of License</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
Pub	1	1	1
Beverage Dispensary	645	645	646
Club	65	71	72
Common Carrier	94	124	129
Restaurant	223	270	292
Retail Store	448	473	492
Wholesale General	16	18	20
Wholesale Malt Beverage	8	8	9
Recreational-Site	<u>13</u>	<u>16</u>	<u>16</u>
<u>Total Licenses</u>	<u>1513</u>	<u>1626</u>	<u>1679</u>

APPENDIX C

STATE OF ALASKA
DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL BOARD
DESCRIPTION OF LICENSE TYPES AND FEES

<u>Source</u>	<u>Description</u>	<u>Annual Fee</u>
Application Fee	For each license application.	\$50
Beverage Dispensary	To sell or serve on the licensed premises alcoholic beverages for consumption on the licensed premises only.	\$1,250
Restaurant or Eating Place	To sell beer and wine for consumption only on the licensed premises.	\$300
Club	To sell alcoholic beverages for consumption only on the licensed premises.	\$600
Bottling Works	To operate a bottling works where beer and wine may be bottled and sold.	\$250
Brewery	To operate a brewery where beer is manufactured and bottled or barreled for sale.	\$500
Winery	To operate a winery where wine is manufactured and bottled or barreled for sale.	\$250
Package Store	To sell alcoholic beverages to a person in response to a verbal solicitation for purchase received from the person present on the licensed premises or in response to a written solicitation made by a person known to the license for a purchase to be received by the person making the solicitation.	\$750
Retail Stock	To sell the remaining stock of a package liquor store when the owner wishes to close or terminate business. Sale may only be to licensed persons.	\$100

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ALCOHOLIC BEVERAGE CONTROL BOARD
DESCRIPTION OF LICENSE TYPES AND FEES

<u>Source</u>	<u>Description</u>	<u>Annual Fee</u>
General Wholesale	To sell alcoholic beverages in the original package, and wine in bulk, in quantities of not less than five gallons to holders of licenses.	\$1,000 First \$100,000 of sales plus \$500 - 10,000 on additional sales
Wholesale Malt Beverage and Wine	To sell malt beverages and wine in the original packages in quantities of not less than five wine gallons to holders of licenses.	\$200 First \$20,000 of sales plus \$300 - 10,000 based on additional sales
Distillery	To operate a distillery where alcoholic beverages are distilled and bottled or barreled for sale.	\$500
Community Liquor	Authorizes a municipality to operate a beverage dispensary or a package store or both subject to the same conditions and fees applicable to beverage dispensary or package liquor store licenses.	\$1,250 Beverage Dispensary 750 Package Store
Common Carrier Dispensary	To sell alcoholic beverages for consumption aboard a vehicle, boat, aircraft, or railroad buffet car licensed by the State or federal agency for passenger travel.	\$350 Per vehicle, boat, aircraft or railroad car
Recreational Site	To sell beer and wine at a recreational site during and one hour before and after a recreational event which is not a school event, for consumption on designated areas at the site.	\$400
Pub	To sell beer and wine for consumption only at designated premises located on the campus of an accredited college or university.	\$400

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APPENDIX C

STATE OF ALASKA
DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL BOARD
DESCRIPTION OF LICENSE TYPES AND FEES

<u>Source</u>	<u>Description</u>	<u>Annual Fee</u>
Caterer	Authorizes the holder of a beverage dispensary license to sell or dispense alcoholic beverages at conventions, picnics, social gatherings, sporting events or similar affairs held off the holder's licensed premises.	\$50
Special Events	To sell or dispense beer or wine for consumption at designated premises for a specific occasion and limited period of time. Only a nonprofit organization may acquire the permit.	\$50 Per day
Conditional Contractor	To sell beer or wine for consumption only on designated premises for one year from the date of issuance of the permit at construction sites which are located outside a city and inside the boundaries of a military or naval reservation.	\$600

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH S
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

December 30, 1985

RECEIVED

DEC 30 1985

LEGISLATIVE
AUDIT

Mr. Gerald L. Wilkerson
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811-3300

Dear Mr. Wilkerson:

This letter is in response to your preliminary audit report on the performance of the Alcoholic Beverage Control Board dated August 21, 1985.

We fully agree with your conclusion "...there is a demonstrated need for this control to continue to exist." Following are our comments about your specific recommendations.

Recommendation No. 1

The ABC Board should document the mitigating circumstances and reasons for not pursuing a suspension or revocation of a license.

We agree. Since your remarks in your interim letter the board's staff has assured that concluding notes from informal conferences are reflected in all administrative proceeding files.

Recommendation No. 2

The Legislature should consider amending Alaska Statute 04.11.510(c) to exclude Board participation in formal conferences.

The issues raised in this recommendation are substantive ones and touch on some of the most controversial topics in administrative adjudication. Thus, while we may disagree with specific conclusions you have reached, we recognize that your position finds support among many in administrative law.

As you have noted, AS 04.11.510 permits an accused licensee to request an informal conference before the director or the board. If the licensee is not satisfied with the results of the conference, he/she may request a formal hearing before the board. You correctly note that when reviewing a case, the board should be unbiased and impartial.

This concern is a problematical one. While the United States Supreme Court has authorized board involvement at both the informal conference and adjudicatory stages of a dispute (Withrow v. Larkin, 421 U.S. 35 (1975)), the Alaska administrative practice has been much more circumspect. The board was heavily queried on this matter. I am

Mr. Gerald L. Wilkerson
December 30, 1985
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satisfied that the board is provided only limited information about the dispute, that the information provided is solely for the purpose of providing sufficient facts to discuss the basis for settlement, and that the board fully understands that its decision on the merits of a case must be limited to evidence presented on the record at hearing. Except for rare unintentional oversights, informal conferences are recorded.

Because there is legal authority for the present practice and because the board strongly believes that its involvement at the informal conference level has reached expeditious and just results in the past, I am compelled to disagree with Recommendation No. 2.

Recommendation No. 3

The ABC Board should cease the current practice of terminating a license without cause and seek legal advice for clarification of its authority.

In an opinion dated September 27, 1985 from the board's assistant attorney general, the board finds its practice to be unwarranted. The matter will not be pursued.

Recommendation No. 4

The ABC Board should improve documentation of its enforcement efforts.

1. Documentation of the Director's review of investigative reports is not adequate.
2. Documentation of administrative decisions made by the director is not adequate.

Nos. 1 and 2. We agree. The director has instituted a more formalized review of investigative reports. The procedure includes a director's review sheet with provision for his signature rather than initials on investigative reports. The review sheet is intended to reflect a written record of the director's review of reports.

3. The administrative filing system needs improvement.

Filing of administrative/adjudicative recommended and completed actions will be supplemented with computerized summary information when computer programs are corrected or appropriate software obtained.

Recommendation No. 5

The ABC Board should promulgate regulations for the creation of restaurant designation permits and the establishment of fees.

We agree. The board has drafted a proposal for designation permits and is preparing to provide public notice for public hearing on a regulation.

Mr. Gerald L. Wilkerson
December 30, 1985
Page 3

We agree. The board has drafted a proposal for designation permits and is preparing to provide public notice for public hearing on a regulation.

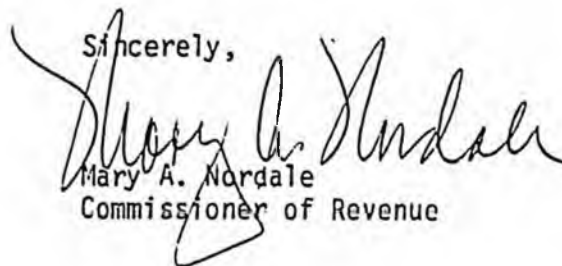
Recommendation No. 6

The ABC Board should strengthen controls over liquor license stock.

A license document control number file is established which also contains original licenses if they are voided or not used.

Thank you for your courtesy and the opportunity to respond. If we can provide any additional information, please do not hesitate to let us know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary A. Nordale".

Mary A. Nordale
Commissioner of Revenue

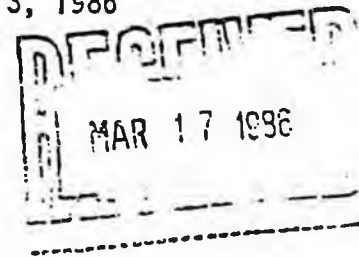
BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

P.O. BOX 5
JUNEAU, ALASKA 99811-0400
PHONE: (907) 465-2300

March 13, 1986



The Honorable Joe Josephson
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Josephson:

Enclosed is language which we suggest be substituted for Section 1 of your bill or for Section 1 of HB 549. You will note that in addition to expertise in the treatment of alcohol abuse, we suggest also that qualification in the area of alcohol abuse prevention also be available to the board.

I understood your concerns to arise from three principal areas:

1. Public concern for greater sensitivity to the location of alcohol sales points, especially retail sales.
2. Public concern for greater sensitivity in the board's actions affecting alcohol abuse and the prevention of abuse.
3. Public concern for compliance with conditions of licensure.

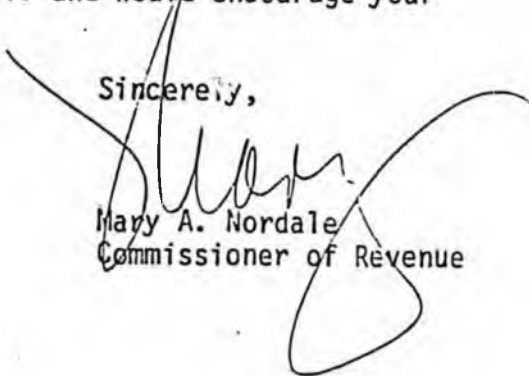
As I indicated to the committee, a change in qualifications for board members was not of great concern to this department. What is of concern is that applicants for licensure be properly dealt with and that community concerns as to location be appropriately addressed. The participation of community councils, pursuant to the 1985 amendments, has been actively sought. We would like to see their participation commence at the time the local governing body deliberates the question of approval of the license. Because we have less than a year's experience, we are as yet uncertain of the most effective means of insuring such participation.

Although the board has an admirable record of accommodation to community concerns, the system does not guarantee that everyone's concerns will be fully alleviated. However, with changing views relating to sales of alcohol and with the dynamic growth of some communities, the board's responsibilities become more complex and dealing with community

The Honorable Joe Josephson
March 13, 1986
Page 2

concerns more imperative. We believe that alcohol abuse prevention is of great and wide interest among the public and would encourage your adoption of that qualification.

Sincerely,



Mary A. Nordale
Commissioner of Revenue

MAN:m11
86-69

Enclosure

HOUSE STATE AFFAIRS
STANDING COMMITTEE
April 9, 1986
3:00 p.m.

Members Present:

Representative Katie Hurley
Representative Miller
Representative Cato
Representative Boucher
Representative Navarre
Representative Jenkins

Members Absent:

Representative Collins

COMMITTEE CALENDAR

HB 550:

An Act extending the termination date of the Alcoholic Beverage Control Board.

HB 549:

An Act relating to membership on the Alcoholic Beverage Control Board.

HB 692:

An Act relating to the issuance, renewal, transfer of ownership, and relocation of liquor licenses.

WITNESS REGISTER

Pat Sharrock
Director, Alcoholic Beverage Control Board
550 W 7th AVE. Suite 350
Anchorage, Alaska 99501
277-8638
Position Statement: Testified in support of HB 550 and HB 692. Testified in support of HB 549 if amended.

Peter Froehlich
Department of Law
Pouch K
Juneau, Alaska
465-3600
Position Statement: Provided testimony

Howard Scammon
Mothers Against Drunk Drivers

Pouch 3-6500 #154
Juneau, AK 99802
364-2205

Position Statement: Testified in support of HB 550 and HB 549 and suggested amendments to HB 692

PREVIOUS ACTION

ACTION NARRATIVE
TAPE #102 SIDE 1

Number 003

Chair Hurley called the meeting to order at 3:20 p.m. and noted the presence of Representatives Miller, Cato, and Boucher. HB 550, extending the Alcohol Beverage Control Board, was brought before the Committee for consideration. Chair Hurley introduced Pat Sharrock, Executive Director of the ABC Board and explained that the hearing was a sunset review requiring the activities of the Board be examined. She brought the committee's attention to the findings of the Legislative Budget and Audit Report.

Number 086

Chair Hurley noted the specific recommendation made in the audit that the Board should document the mitigating circumstances and reasons for not pursuing a suspension or revocation of a license. Pat Sharrock responded by saying that the recommendation was directed to the staff of the Board rather than the Board itself in that he is required to enforce the law. He stated that a lot of things come into play in making decisions in determining how the executive director should proceed. He stated that in any potential action except for conviction of a licensee, the director has to make a decision as to whether or not to pursue a charge against a licensee. In order to proceed the director must file an accusation in writing against a licensee. He explained that filing an accusation for any alleged violation would be extremely costly and that the preferred approach has been to issue a notice of violation, putting a licensee on notice that an incident occurred on his or her premise. He pointed out that in past audits this issue has been brought forth. Mr. Sharrock further explained that his policy in initiating action has been to determine whether or not the alleged violation is serious enough to warrant prosecution and then to write an accusation for review by the Attorney General's Office. He stated that through that process a decision would be made on whether or not to proceed. He discussed the procedure that the ABC Board staff has instituted to address Legislative Budget and Audit's concerns. He explained that first notices of violation are issued the Board follows up by determining whether or not the licensee has

responded to that notice of violation. He further explained that this information is recorded on a review sheet compiled from investigative reports. Notes on the sheet are made as to the status of the case. The signing of the sheet concludes the case.

Number 240

Representative Cato asked Mr. Sharrock if Legislative Budget and Audit was asking the ABC Board staff to document mitigating circumstances on cases which have not led to revocation or suspension of a license.

Number 273

Mr. Sharrock explained that Legislative Budget and Audit was trying to identify the circumstances that showed there was not an adequate formal procedure for pursuing a notice of violation. He further explained that the Legislative Budget and Audit also recommended that Board participation in informal conferences be excluded since written accusations by the director may be dismissed by the Board.

Number 281

Representative Miller asked whether or not the Board had instituted its current documentation system after the report came out. Mr. Sharrock replied that the system was instituted after the audit and was a result of the fact that he did not initial 30% or 40% of the investigative reports because he forgot to. The conclusion by the auditor was that he was not reviewing the work done by the staff. He stated that this was not true. He added that the director's review sheet is used to pass notes back and forth between himself and his staff on cases.

Number 322

Chair Hurley asked Mr. Sharrock what his opinion was on the recommendation that the Board's participation in informal conferences be excluded. Mr. Sharrock stated that the recommendation was important but should not be perceived as critical due to present statute. He explained that the informal conference provision was enacted in order to accomplish quick determination or resolution of a problem. He stated that he personally believed that the provision has been very effective in allowing for swift decision making but agreed that there was room for improvement through regulation. He noted the appeals process which would eventually result in formal action by the Board.

Number 377

Chair Hurley expressed concern with the recommendation that final Board action should be documented by a motion and vote of the Board at an open meeting. Mr. Sharrock replied that the recommendation referred to informal conference proceedings and stated that there were one or two occasions in the last several years where the Board neglected to take a decision on the record. He explained that this occurred due to an oversight. He stated that when decisions are reached, the Board will come out of informal conference and place that decision on the record. He added that often a closed file did not contain written concluding comments but that the outcome of all informal decisions were on tape.

Number 400

Chair Hurley commented that the Legislative Budget and Audit report made broad statements and that it would be beneficial to discuss its findings with the auditor.

Number 431

Representative Miller discussed the Board's participation informal conferences. Mr. Sharrock explained that the licensee can specifically request an informal conference with the director or the Board. He stated the director can only explain the board's previous decisions in an informal conference but can not make a decision himself. Mr. Sharrock explained that his role is to suggest that an informal conference be placed on the agenda.

Number 452

Chair Hurley noted the presence of Representative Navarre. Mr. Sharrock explained that the Board had offered HB 34 last year and HB 692 this year as legislation to benefit the public interest.

Number 481

Chair Hurley read the auditor's recommendation that the ABC Board should cease the practice of terminating a license without cause and seek legal advice for clarification of its authority. Mr. Sharrock responded that the Board had sought legal advice and was informed that it should cease that practice. Mr. Sharrock stated, however, that he supported the Board's intent which was to eliminate licenses that it had granted because a person obtained another license.

Number 500

Discussion on the recommendation that the Board should provide documentation on its enforcement efforts. Mr. Sharrock stated that the Board had 6 investigators and not

much clerical support. Chair Hurley agreed that documentation difficulties could be attributed to the lack of clerical support. Mr. Sharrock stated that he agreed with the recommendations in the report but that practically it is difficult to meet the suggested administrative or recording efforts. Chair Hurley added that the report also suggested that there were not enough notes being taken on individual cases. Discussion followed on the importance of leaving a written record on a case.

Number 602

Representative Hurley commented on the budget for the ABC Board and the fact that a large portion of it was spent for travel since the Board met once a month except for December. Mr. Sharrock stated that the Board met for an average of two days. Chair Hurley asked how many licenses were revoked this year. Mr. Sharrock replied that 5 or 6 licenses had been revoked.

Number 618

Chair Hurley asked Mr. Sharrock to explain an incident which occurred at Red Devil. He explained that Sleetmute had voted to ban the sale and importation of alcohol but that the Mercury Inn package store 7 miles up river continued to sell alcohol to Sleetmute residents. He stated that many accidents occurred as a result of that source of alcoholic beverages and Sleetmute residents had requested the ABC Board investigate the situation. Mr. Sharrock stated that from the subsequent hearing in Sleetmute, he had filed an accusation to the licensee asking for revocation of his license. The attorney for the licensee then asked for an informal conference. An informal conference was held among Mr. Sharrock, the ABC Board's attorney and the licensee's attorney where it was decided to explore ideas to mitigate the problems and concerns in Sleetmute. The licensee's attorney then submitted proposals to the ABC Board to curtail store hours, limit the quantity and keep a log of sales to Sleetmute residents. Mr. Sharrock stated that he has replied to the attorney that the proposed quantity provisions did not seem appropriate and suggested that if he wanted to pursue it further, an informal conference would be continued at Board level. The Board met with the licensee's attorney and made several proposals which have not been accepted at this time.

Number 628

Representative Cato returned at 3:50 p.m. and Representative Jenkins arrived.

Number 697

Committee discussion on the boundaries limiting the sale of alcohol. Representative Navarre left at 4:00 p.m.

Number 750

Representative Miller commented on recommendation #5 in the audit dealing with the promulgation of regulations on the creation of restaurant designation permits. Pat Sharrock stated that he agreed with the recommendation.

Number 757

Representative Miller noted recommendation #6 which called for the ABC Board to strengthen control over liquor license data. Mr. Sharrock stated that that was being done and explained the log procedure where all licenses were kept track of in numerical order.

Number 782

Pat Sharrock responded to a question by Chair Hurley about the regulatory and statutory changes the board had suggested to improve its mandate. He noted HB 34 and HB 692.

Number 788

Chair Hurley asked Mr. Sharrock how the Board could be improved. He suggested extending the Board for four more years since yearly extensions have impacted the staff. He stated that as controversial as the Board is, he thought the Board needed a vote of confidence.

Number 804

Chair Hurley asked if regulations are being enforced by police officials at the local level to ensure compliance with Title 4. Mr. Sharrock replied that directly the answer was no because local police officers don't enforce the Board's regulations; they enforce their own ordinances. Mr. Sharrock stated that in his mind he thought they were. He commented that historically liquor law violations have not been a priority of local police departments or the state troopers. He pointed out that the violations are misdemeanors, they take a lot of time and prosecutors will not prosecute. He said the only entity that is left to do anything in a given neighborhood is the Board.

Number 816

Chair Hurley asked Mr. Sharrock if, in fact, communities don't receive license renewal fees collected by the Board

to enforce Title 4. She suggested that it was the responsibility of the Board to inform municipal police departments that they are using the fees to do other things than what they were intended. She noted that the fees were established to aid the local municipalities with their police efforts in enforcing Title 4. Pat Sharrock replied he has informed the Board that the law requires license fees be refunded if local officials enforce the law. He noted the active participation of local communities and pointed out that it fulfilled part of the requirement to receive license fee monies. He stated that he thinks it is both local police efforts and license reviews by local government that come into play for refund of those license fees.

Number 838

Chair Hurley asked whether or not more education was needed on the local level to clarify municipal responsibilities in accepting those fees. Pat Sharrock agreed that there was. He stated that in meeting with local governing bodies, the biggest area of discussion is in explaining local responsibilities.

Number 846

Chair Hurley asked what the justification was for continuation of the Board as outlined in the required questions for sunset reviews. Representative Cato commented that if the Board was not continued, chaos would result.

TAPE #102 SIDE TWO

Number 026

Chair Hurley noted the presence of Representative Jenkins. Representative Jenkins commented that he did not think the Board needed to be reviewed as often as other Boards and Commissions and questioned why it was put under the sunset review.

Number 054

Representative Miller stated for the record that it was definitely necessary to continue the Board but that the sunset review was a valuable opportunity to review and evaluate the performance of the Board.

Number 075

Chair Hurley asked a question regarding public convenience licenses and the public criticism directed at them. Mr. Sharrock replied that passage of HB 34 last year totally changes, limits and clarifies public convenience licenses.

Chair Hurley brought HB 692 before the committee for its consideration. Representative Miller stated that the Judiciary Committee had introduced the bill at the request of the Board and that it was primarily geared towards improving efficiency. He suggested that the bill be amended to include a window of protest for municipalities during years where a licensee did not have to renew their license. He pointed out that the main provision of the bill was to change annual license renewal to biannual license renewal. Committee discussion on the bill.

Number 442

Howard Scammon representing Mother's Against Drunk Drivers and the Alaska Coalition for Moderate Alcohol Consumption, testified in support of HB 550, HB 549 and HB 692. He stated that the only action that local police officers really can do to enforce Title 4 is to prohibit liquor establishments from serving intoxicated persons. He supported using the 900,000 dollars collected annually to hire more investigators at the state level. He suggested changing wholesalers fees to 1% of the total business transacted over 1 million dollars. He noted that currently all wholesalers who gross over a million dollars pay 10,000 dollars a year whether or not they gross one million or 43 million. Committee discussion followed.

Number 527

Mr. Scammon praised the ABC Board for its work and pointed out their staff and budget limitation in ensuring they comply with their mandate. He noted the original intent of 4.11.610 was to allow municipalities to go out and hire people to do the same job that ABC Board investigators are supposed to be doing in rural areas of the state. He stated that the original intent of the statute was not meant to dump money into local police departments so they could enforce drunk driving laws. He stated that the current 6 investigators were supposed to be for rural Alaska which did not receive any revenue sharing from license fees.

Number 545

Peter Froehlich, Assistant Attorney General, testified on the proposed amended version of HB 549 in two distinct capacities. One on behalf of the Governor's Office and one representing the Department of Law. He explained that the Governor's position on the amended version of bill is essentially neutral. He stated the Governor's Office would strongly be against increasing the membership of the Board due to the fiscal impact. He noted that the Governor was supportive of maximizing public membership on the Board and

maintaining breadth of cross section in representation. He explained, however that the Governor is concerned about measures which restrict his flexibility in exercising appointment power. Mr. Froehlich testified that from the department level, three departments were involved: the Department of Revenue, the Department of Health and Social Services, and the Department of Law. He noted the letter of support from the Department of Revenue in changing the composition of the Board without increasing the membership. He explained that the Department of Health and Social Services was strongly in favor of the proposal. He stated that it was also the consensus of the attorneys in the Department of Law who have worked with the ABC Board that the amended version of the bill is a good idea because it improves the breadth of representation on the Board. He pointed out that it gives the Board the benefit of more diversity, broader perspective and ability to better deal with the issues it has to work with. He stated that the Department of Law has nothing negative to say about any particular member of the Board or any particular boards but that the requirement of diversity would ensure that that actually takes place. He observed that the ABC Board lent itself to a greater public membership than other licensing boards.

Number 620

Chair Hurley adjourned the meeting at 4:35 p.m.

Offered: 4/17/86
Referred: Finance

Original sponsor: Judiciary Committee

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 550 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act amending the qualifications for appointment
7 to the Alcoholic Beverage Control Board and extending
8 the termination date of the Alcoholic Beverage
9 Control Board; and providing for an effective date."

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

11 * Section 1. AS 04.06.020 is amended to read:

12 Sec. 04.06.020. APPOINTMENT AND QUALIFICATIONS. The board
13 consists of five members appointed by the governor and confirmed by a
14 majority of the members of the legislature in joint session. A member
15 of the board may not hold any other state or federal office, either
16 elective or appointive. Two members of the board shall be persons
17 actively engaged in the alcoholic beverage industry, except that no
18 member may hold a wholesale license or be an officer, agent, or em-
19 ployee of a wholesale alcoholic beverage enterprise. One member shall
20 have experience in the field of alcohol abuse treatment or prevention.
21 Two members shall be public members. No three members of the board
22 may be engaged in or retired from the same business, occupation, or
23 profession.

24 * Sec. 2. AS 44.66.010(a)(1) is amended to read:

25 (1) Alcoholic Beverage Control Board (AS 04.06.010) --
26 June 30, 1990 [1986];

27 * Sec. 3. TRANSITION. Notwithstanding the provisions of AS 04.06.020
28 as amended by sec. 1 of this Act, the members of the Alcoholic Beverage
29 Control Board on the effective date of this Act remain on the board until

1 their terms expire or the positions otherwise become vacant.

2 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-

3 10.070(c).

Introduced: 2/7/86
Referred: State Affairs
and Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

HOUSE BILL NO. 550

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act extending the termination date of the Alco-
7 holic Beverage Control Board; and providing for an
8 effective date."

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

10 * Section 1. AS 44.66.010(a)(1) is amended to read:

11 (1) Alcoholic Beverage Control Board (AS 04.06.010) --
12 June 30, 1990 [1986];

13 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).

HOUSE
COMMITTEE REPORT

(7)

Date referred: 3/26/86

FURTHER REFERRALS:

DATE: 4-7-86

The FINANCE Committee has considered HB 552

"An Act relating to setting speed limits and neighborhood speed zones."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 552 (FIN) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature] - no Rec

[Signature]

Chairman

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 4/7/86

REQUEST

Bill/Resolution No.: CSHB 552 (FIN)
 Title: Re: Setting speed limits
 and neighborhood speed zones

Sponsor: Uehling, Martin, Ringstad, et al
 Requestor: House Finance Committee
 Date of Request: 4/7/86

FISCAL DETAIL

Agency Affected: DOT&PF
 BRU: Design & Construction
 Engineering & Operations Standards

Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-	0	0	0	0	0
TRAVEL		0	0	0	0	0
CONTRACTUAL		0	0	0	0	0
SUPPLIES		0	0	0	0	0
EQUIPMENT		0	0	0	0	0
LAND & STRUCTURES		0	0	0	0	0
GRANTS, CLAIMS		0	0	0	0	0
MISCELLANEOUS		0	0	0	0	0
TOTAL OPERATING		0	0	0	0	0

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS		0	0	0	0	0
OTHER		0	0	0	0	0
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

The Governor's proposed FY 87 budget for DOT&PF is \$166 million. The funds needed to hold the public hearings provided for in this bill can be absorbed within that level of appropriation.

Prepared by: Al Adams, Chair *ADA* Phone: 465-3706
 Division: House Finance Committee Date: 4/7/86

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsors: Uehling, Martin,
Ringstad, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 552 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to setting speed limits and neigh-
7 berhood speed zones."

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

9 * Section 1. AS 19.10.070 is amended to read:

10 Sec. 19.10.070. DETERMINATION OF SAFE SPEED LIMITS. The de-
11 partment may conduct investigations with the assistance of the Depart-
12 ment of Public Safety and shall determine safe speed limits and safe
13 speed zones on highways and other roadways under its jurisdiction.

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

15 Sec. 19.10.072. NEIGHBORHOOD SPEED ZONES AND LOCAL HEARING
16 PROCESS. (a) In determining safe speed limits and safe speed zones,
17 the department shall consider the following factors in the order of
18 priority listed:

19 (1) neighborhood safety, including the presence of children
20 and pedestrian traffic;

21 (2) the presence of schools, houses, parks, and crosswalks;

22 (3) the presence of driveways, parked vehicles, and multi-
23 ple turn locations;

24 (4) that speed at which safe and prudent drivers could pass
25 through the speed zone; and

26 (5) the effectiveness of local enforcement of the speed
27 zone.

28 (b) In determining safe speed limits and safe speed zones within
29 a municipality the department shall consult with that municipality.

1 In determining safe speed limits and safe speed zones on highways and
2 arterial roadways under its jurisdiction the department shall also
3 consult with community councils or other neighborhood organizations in
4 the affected area, if the community councils or other neighborhood
5 organizations request in writing to participate in the determination.
6 The department shall provide notice and opportunity for a hearing
7 before establishing a speed limit or speed zone other than as recom-
8 mended by a municipality, community council or other neighborhood
9 organization.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
" FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : C.S. for HB 552
 Title : "An Act Relating to Setting
 Speed Limits and Neighborhood
 Speed Zones"
 Sponsor : Uehling, Martin, Ringstad, et al
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : DOT&PF
 BRU : Design & Construction
 Divisions _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	20.1	20.8	21.6	22.3	23.1
TRAVEL	0	8.4	8.7	9.0	9.3	9.6
CONTRACTUAL	0	13.2	13.7	14.1	14.7	15.2
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	41.7	43.2	44.7	46.3	47.9

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND	0	41.7	43.2	44.7	46.3	47.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	41.7	43.2	44.7	46.3	47.9

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

SEE PAGE 2.

John P. Simpson, Dir. 4/2/86
 Gordon G. Hayes

Prepared by : _____
 Division : Engineering & Operations/Standards

Phone : 465-2968
 Date : April 1, 1986

Approved by Commissioner : _____
 Agency : Department of Transportation and Public Facilities

Date : 4/5/86

- Distribution (by Agency preparing fiscal note) :
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Committee Substitute
for HB 552 dated 3/26/86

Assumptions:

- (1) No significant implementation costs in FY 1986.
- (2) Approximately 30 hearings per year Central Region, 10 hearings per year Northern Region, 2 hearings per year Southeast Region.
- (3) Approximate cost per hearing = \$995.
- (4) Approximate inflation to costs = 3.5% per year.

Program Summary:

With approximately twenty speed zone establishments per year, and about 20 other requests to lower speed limits, it is estimated that at least 30 hearings per year would be required in the Central Region. (Some cases/locations may require more than one hearing.) Comparable rates are 10 per year Northern Region, and 2 per year Southeastern Region, with participation by about two State employees.

Most of these formal hearings would be held in the evening or weekends so more persons could attend. Formal hearings would require official transcripts, and travel by State personnel would be required in about half the hearings.

The additional costs are expected to be borne by the State.

Computations: (See attachments for detailed computations.)

Cost for first full year = 42 hearings x \$995 per hearing = \$42,790

Allowance for inflation of 3.5% per year for subsequent years.

FISCAL NOTE ATTACHMENT

Committee Substitute for HB 552

An Act Relating to Setting Speed Limits and Neighborhood Speed Zones

DETAILED COMPUTATIONS:

(Supplied by Central Region in consultation with Northern Region)

Approximately 20 speed orders were signed in 1985. At the request of local governments, community councils, and/or individuals we looked at an additional 10 to 20 locations to determine if lower speed limits would improve safety. Based on the above I would expect a minimum of 30 public hearings per year in the Central Region. The first several years after the legislation passed would most likely see more than that. Historically, community councils support lower limits (on state highways) than what are really justified. Therefore, I would expect most of these issues to go to public hearing. (In some cases more than one hearing may be necessary for a particular case or location.)

PUBLIC HEARING: Cost of transcript

(Provided by R&R Court Reporters of Anchorage)

*Recorders Time - Before 5:00 p.m. - \$30/hr
5:00 - 8:00 p.m. - \$45/hr
After 8:00 p.m. - \$50/hr
Flight Time - \$20/hr

*Transcript - \$3.75/page
40 pages/hr

The public hearing would include a 15-20 minute introduction by DOT&PF. Discussion would include safety and operational issues along the specific roadway. There would be a presentation on speed limits. Then we would give our recommendations. Next would be a questions/answer period followed by public testimony.

Based on the above, the average meeting should last approximately 1½ hours + ½ hour for the recorder to set up and take down. The hearings would normally occur after 7:00 p.m.

Recorders Time	\$45/hr x 2 hr	= \$ 90
Transcript	\$3.75/page x 40 pages/hr x 1½	= \$225
Total		\$315

Travel - Out of town travel is extra.

*DOT&PF Personnel and Travel Time Anchorage area. (This estimate is in addition to time already spent studying and working the issue.):

Public Hearing Preparation	1 hour
Public Hearing and Travel	3 hours
Analyze Transcript and Respond	2 hours
Number of DOT&PF Employees	x 2
<hr/>	
Total Hours/Public Hearing	12 hours
Cost (buffered rate)/hour	\$40
Total \$/Hearing	\$480

*Travel Time - Outside of Anchorage:

One half of the hearings would be in either Wasilla, Palmer, Kenai, or Kodiak.

Add \$200/person (DOT&PF) for any of the above locations. This would average \$100/person more for all hearings or \$200 per hearing overall for two people.

SUMMARY OF EXPENSES PER HEARING:

1. Recorders Fee	\$315
2. DOT&PF Personnel	\$680
Total	\$995 per hearing

FIRST YEAR COSTS:

30 hearings Central + 10 hearings Northern + 2 hearings Southeastern = 42 hearings per year.

42 x \$995 per hearing = \$41,790

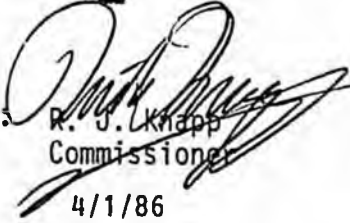
Estimate constant hearing load per year but 3.5% cost inflation per year.



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: Transportation Committee
Substitute for House Bill 552

APPROVED: 
R. J. Knapp
Commissioner

TITLE: An Act Relating to Setting Speed Limits
and Neighborhood Speed Zones

DATE:

4/1/86

In response to the original bill, the department presented its detailed procedure for setting speed limits where they are not covered by the State's "blanket" speed laws. These procedures contain explanations of the established engineering reasons for the procedures, and indicate that they are essentially those advocated by all major highway engineering organizations in order to provide for safe, efficient movement of traffic.

It was further pointed out that the various factors in the original bill were considered in our established procedures, and that the speed limit based on objective measurements could be modified based on subjective considerations by responsible engineering professionals.

Therefore, the department was neutral on the original bill, and although it is rare that a law is costless, indicated no significant fiscal impact.

The March 26, 1986, Transportation Committee substitute for HB 552 formalizes the subjective considerations into a priority list, and relegates the accepted primary safety engineering criterion to fourth place.

Furthermore, it requires the department to provide notice and hold hearings when various organizations do not agree with objectively set speed limits.

The increased costs associated with the proposed procedures, the additional demands on personnel time at the expense of other vital activities, the increased time and paperwork to accomplish needed speed limit changes, and the possible adverse effects on public safety require the department to oppose this bill as it now stands.

Rec'd 4/7/86
R.O. 4/7/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 4/4/86

REQUEST

Bill/Resolution No.: CSHB 552 (Trsp)
 Title: An act relating to setting
 speed limits and neighborhood speed
 zones.
 Sponsor: Uehling, Martin
 Requestor: House Finance
 Date of Request: 4/04/86

FISCAL DETAIL

Agency Affected: Public Safety
 BRU: Alaska State Troopers

 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: T. Michael Lewis
 Division: Alaska Highway Safety Planning Agency

Phone: 465-4371
 Date: 4/4/86

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 4/4/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Alaska State Legislature

ANCHORAGE
DOWNTOWN
DISTRICT TWELVE

AIRPORT HEIGHTS
CITY VIEW
DOWNTOWN
FAIRVIEW
GOVERNMENT HILL
INLET VIEW
SOUTH ADDITION



House of Representatives

Representative

RICK UEHLING

MEMBER

HOUSE FINANCE COMMITTEE

HOUSE SPECIAL COMMITTEE
ON STATE LOANS

HOUSE FINANCE SUBCOMMITTEE ON
ADMINISTRATION, REVENUE
AND THE GOVERNOR'S OFFICE

To: Rep. Bette Cato
Chair, House Transportation Committee
From: Rep. Rick Uehling
Subject: HB 552, "An Act relating to setting speed limits and
neighborhood speed zones"
Date: March 24, 1986

I have asked staff to provide the following background and information regarding HB 552, "An Act relating to setting speed limits and neighborhood speed zones":

HB 552 would require DOT to consider the presence of neighborhoods, schools, parks, and pedestrian traffic when setting speed limits. I refer to this concept as Neighborhood Speed Zones.

Our State law charges DOT with setting speed limits but the Legislature has never given DOT any indication of what factors it should consider when setting speed limits. As a result, speed limits are decided according to DOT internal policies called policies and procedures. With the State spending hundreds of millions of dollars on new roads across the State, it is more important now than ever that there be some protections built into the system for our neighborhoods.

This legislation is the outgrowth of work spent over the interim trying to get DOT to respond to traffic problems in our Downtown district. It was extremely frustrating to realize we had no protections built into the system for our neighborhoods. Local residents have no where to turn in statute or regulation to support their attempts to get DOT engineers to respond to neighborhood concerns about the safety of streets. Neighborhood Speed Zones (HB552) will be an important protection, not just for the safety of our Streets in Anchorage, but throughout the state as well.

Changes were made by the House State Affairs Committee to insure that DOT responds to the concerns of local government and neighborhood organizations by providing for public notice and the holding of public hearings.

The House Transportation Committee Substitute reorganizes the structure of the House State Affairs Committee in a clarifying manner. I support the House Transportation Committee Substitute and would ask that the Committee adopt amendment number one. This amendment allows the title to be returned to it's original form after Legal affairs changed it without consulting anyone.

Amendment 1 to CS HB 552 (Transportation)
by Uehling

Ln. 6 and 7

Delete "safe " and insert "neighborhood"

"An Act relating to setting speed limits and [safe] neighborhood
speed zones"

This amendment returns the title to its original form. It was
changed by Legal services without the concurrence of the sponsor
or committee staff.

Ln. 15 and 16

Delete "Safety Factors" and insert "Speed Zones"

Sec. 19.10.072. Neighborhood [Safety Factors] Speed Zones And
Local Hearing Process

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 552

NEUTRAL

March 3, 1986

HB 552 - "An act relating to setting speed limits and neighborhood speed zones."

This legislation is considered unnecessary as current laws and regulations provide specific criteria for determining safe speed limits and safe speed zones. Regulations established by 13 AAC 02.275 mandate that unless otherwise posted, maximum speed limits shall be as follows:

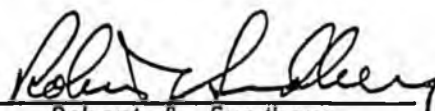
- 1) 15 miles per hour in an alley
- 2) 20 miles per hour in a business district
- 3) 25 miles per hour in a residential district
- 4) 55 miles per hour on any other roadway

Alterations of speed limits by the State and municipalities are provided for in 13 AAC 02.280 and based upon engineering and traffic investigations.

The speed limit for school, park and playground zones is established through 13 AAC 02.325.

Traffic engineer studies conducted by the Department of Transportation and Public Facilities in determining safe speed limits for a specific roadway include the already established regulations as well as the geophysical characteristics of that roadway and the presence of driveways, multi-turn locations and roadside obstacles.

Moreover, the amendment in Section 19.10.070 is redundant in that all posted highways are safe speed zones. A 55 MPH posted roadway is a speed zone that is determined as a safe speed limit for that particular highway, just as a speed zone for a school area of 20 MPH is considered a safe speed limit based upon the presence of schools, parks, crosswalks and pedestrian traffic.


Robert J. Sundberg



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: HB 552

TITLE: An Act relating to setting speed limits and neighborhood speed zones

APPROVED:

Wm S. Spahr
R. J. Knapp
Commissioner

DATE:

2-19-86

The attached Policy and Procedure (P&P) 70-7003 "Establishment: Speed Zones" provides uniform departmental guidelines when speed controls are requested or required. The Alaska Statute (19.10.070), our P&P, and 13AAC02.275-330 all provide for coordination with appropriate enforcement agencies in the establishment of restricted speed zones. Criteria from the Manual on Uniform Traffic Control Devices and a traffic engineering handbook which provide for speed zone management by the department are also attached.

The department believes these existing documents sufficiently control the establishment of speed limits and speed zones.

BILL SHEFFIELD, GOVERNOR

P.O. Box 2
Juneau, Alaska 99811

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
ENGINEERING AND OPERATIONS STANDARDS DIVISION

PHONE: (907) 465-2951

Elaboration on DOT&PF Position Paper on House Bill No. 552,
"An Act Relating to Setting Speed Limits
and Neighborhood Speed Zones"

The DOT&PF "Position Paper" on HB 552 cites several authoritative sources which explain the traffic and safety engineering concepts nationally accepted for the establishment of safe speed zones. The DOT&PF policy (P&P 70-7003) summarizes the accepted criteria, and further elaborates on the reasons that these principles insure the safest and most efficient movement of traffic.

Numbers 1 and 2 of the proposed Section 19.10.072 contain criteria that are indirectly addressed through special consideration of these factors in the requisite speed profile study (see paragraph two of Section 2.b., page 2, of P&P 70-7003).

Number 4 of the amendment is exactly what the traffic and safety engineering techniques are designed to insure. The body of engineering knowledge available indicates that a speed zone set according to our policy produces the condition indicated in Number 4. (See second and third full paragraphs of page 3 of the P&P.)

It does not appear practicable to rationally alter speed limits based on some judgement of enforcement effectiveness as recommended in Number 3. And as stated in the last paragraph on page 2 of P&P 70-7003, a limit set other than by scientific means would be difficult to enforce. Nevertheless, properly set speed limits need enforcement to control that small percent of drivers who are not reasonable and prudent as pointed out in the last paragraph of Section 2 on page 3 of the P&P.

There is no way to quantify the effects of the specific criteria in the amendment, and therefore the application of these considerations would be subject to individual judgement and ambiguous interpretation.

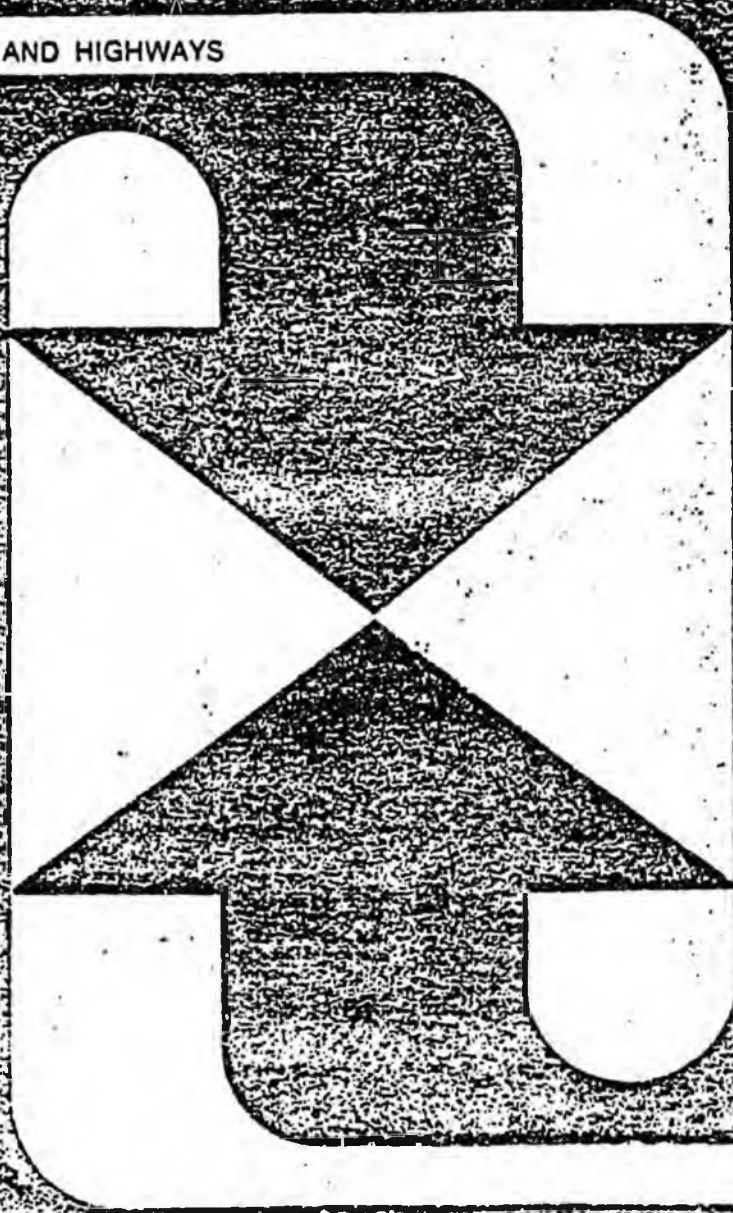
As the Position Paper points out, the essentials of the proposed amendment to AS 19.10 are already covered in our policy which, by complying to accepted safety engineering principles, provides the best protection to the public and the best defense for the State against tort claims actions.

ALASKA TRAFFIC MANUAL

UNIFORM
TRAFFIC
MUTCD WITH The Alaska Supplement
DEVICES

7/82

FOR STREETS AND HIGHWAYS



In the event the visibility of a STOP sign or a YIELD sign at any location is restricted, the sign shall be located as specified, and a Stop Ahead sign (sec. 2C-15) or a Yield Ahead sign (sec. 2C-16) shall be erected in advance of the STOP or YIELD sign.

Figures 2-2, 2-7a, 2-7b, and 2-7c (pages 2A-10 and 2D-16 to 2D-18) show typical STOP and YIELD sign installations.

2B-10 Speed Limit Sign (R2-1)

The Speed Limit sign shall display the limit established by law, or by regulation, after an engineering and traffic investigation has been made in accordance with established traffic engineering practices. The speed limits shown shall be in multiples of 5 miles per hour.

In order to determine the proper numerical value for a speed zone on the basis of an engineering and traffic investigation the following factors should be considered:

1. Road surface characteristics, shoulder condition, grade, alignment and sight distance.
2. The 85-percentile speed and pace speed.
3. Roadside development and culture, and roadside friction.
4. Safe speed for curves or hazardous locations within the zone.
5. Parking practices and pedestrian activity.
6. Reported accident experience for a recent 12-month period.

Two types of speed limit signs may be used: One to designate passenger car speeds including any nighttime information or minimum speed limit that might apply, and the other to show any special speed limits for buses and trucks. No more than three speed limits should be displayed on any one speed limit sign or assembly. Where a special speed limit applies to trucks or other vehicles, the legend TRUCKS 40, or such similar message as is appropriate, shall be shown below the standard



R2-1
24" x 30"



R2-2
24" x 24"

*ALL 50 STATES
are used
when establishing
speed zones*

message or on a separate plate (R2-2). When used independently, the Truck Speed sign should carry a reference to SPEED or MPH.

Minimum speeds shall be displayed only in combination with the posted speed limit (sec. 2B-12).

Advisory Speed signs are treated under section 2C-35.

The standard Speed Limit sign shall be 24 x 30 inches. On expressways the sign should be at least 36 x 48 inches, with 48 x 60 inches prescribed for use on freeways.

2B-11 Night Speed Sign (R2-3)

Where different speed limits are prescribed for day and night, both the limits shall be posted. This may be done in either of two ways:

1. Immediately below the standard Speed Limit sign (R2-1) or combined with it, a Night Speed sign (R2-3) carrying the legend NIGHT 45 (or other suitable numerical limit) may be erected. In this case the numerals in the Night Speed sign and only the words SPEED LIMIT in the standard sign, should be reflectorized. As a special but logical exception to the general color scheme, the Night Speed sign should have its legend in white upon a black background.

2. A changeable message sign may be used, so that only the appropriate regulation is visible at a given time. The sign may have interchangeable panels, or reflectorization of the nighttime speed superimposed over the unreflectorized numerals of the daytime speed, to permit only the nighttime speed to become legible in the beam of motor-vehicle headlamps at night.



R2-3
24" x 24"

2B-12 Minimum Speed Sign (R2-4)

Where an engineering and traffic investigation shows that slow speeds on a highway consistently impede the normal and reasonable movement of traffic, signs may be used to post a minimum legal speed. Driving slower than the minimum limit is illegal except when necessary for safe operation or in compliance with the law. The minimum speed shall be displayed only in combination with the posted speed limit, and if desired, these two signs may be combined (R2-4a). The Minimum Speed sign shall have a standard, and minimum, size of 24 x 30 inches.



R2-4
24" x 30"



R2-4a
24" x 48"

2B-13 Location of Speed Limit Sign

Speed Limit signs, indicating speed limits for which posting is required by law, shall be located at the points of change from one speed limit to another. These signs shall not be erected until the speed limits are approved and officially authorized.

At the end of the section to which a speed limit applies, a Speed Limit sign showing the next speed limit shall be erected. Additional signs shall be installed beyond major intersections and at other locations where it is necessary to remind motorists of the limit that is applicable. In school areas, the END SCHOOL ZONE sign may be used as an alternate to the Speed Limit Sign.

11-45 (c)
Rev. 3

The Speed Zone Ahead sign (sec. 2B-14) may be used to give advance notice of a speed zone with a lower limit.

In rural districts on U.S. and other State numbered routes, Speed Limit signs indicating the statutory speed limits shall be erected at entrances to the State and at boundaries of metropolitan areas. A special oversize sign is often desirable at these locations.

2B-14 Sign for Reduced Speed Ahead (R2-5)

This sign should be used in rural areas to inform the motorist of a reduced speed zone when an advance notice is needed to comply with the speed limit posted ahead. The sign is not ordinarily needed in urban areas where speeds are relatively low.

This sign shall always be followed by a Speed Limit sign erected at the beginning of the zone where the altered speed limit applies.

This sign shall have a standard size of 24 × 30 inches. It shall, however, be of the same size as the Speed Limit sign at the beginning of the speed zone, shall be erected in the same manner, and shall display one of the three illustrated legends:



R2-5a
24" x 30"



R2-5b
24" x 30"



R2-5c
24" x 30"

2B-15 Turn Prohibition Signs (R3-1 to 3)

Turn Prohibition signs should be used to indicate the turns that are prohibited or restricted at a particular intersection.

The standard, and minimum, size of the No Right Turn sign (R3-1), the No Left Turn sign (R3-2), and the NO TURNS sign (R3-3) shall be 24 × 24 inches.

Turn Prohibition signs should be placed where they will be most easily seen by drivers intending to turn. Where No Right Turn signs are needed, at least one should be placed either over the roadway or at a right-hand corner of the intersection. If signals are present, the sign may be installed adjacent to a signal face viewed by motorists in the right lane.

Where No Left Turn signs are needed, at least one should be placed over the roadway or at a left-hand corner of the intersection. If signals are present, the sign may be installed adjacent to a signal face viewed by motorists in the left lane. Where No Turns signs are needed, two signs should be used, one at a location specified for a No Right Turn sign and one at a location specified for a No Left Turn sign. If signals are present, a No Turns sign may be placed adjacent to a signal face viewed by all motorists on that approach.

11-10 (c)
Rev. 3

If advance signs are used, care should be taken that no alley or public driveway exists between them and the intersection where the turning movement is prohibited. At an intersection where one or more approaches to the intersection are limited to one-way traffic, whether signalized or not, the ONE WAY sign (sec. 2B-29) shall be used, and may be supplemented by the Turn Prohibition sign (fig. 2-3, page 2A-11). A Turn Prohibition sign is not needed at a ramp entrance to an expressway where the design is such as to indicate clearly the one-way traffic movement on

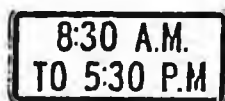
passengers, is not visible for a distance of 500 feet in advance. It shall have a minimum 30" x 30" size.

It is not intended that these signs be used everywhere a school bus stops to pick up or discharge passengers but for use only where terrain and roadway features limit the approach sight distance and where there is no opportunity to relocate the stop to another location with adequate visibility.

7B-12 School Speed Limit Signs (S4-1, S4-2, S4-3, S4-4)

The School Speed Limit sign shall be used to indicate the speed limit where a reduced speed zone for a school area has been established (in accordance with law, after an engineering and traffic investigation) or when a speed limit is specified for such areas by statute. The sign shall be either a fixed-message sign assembly or a variable display type sign.

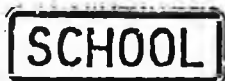
The fixed message sign assembly shall consist of a top panel (S4-3), 24" x 8" (the legend SCHOOL in black on a yellow background), a Speed Limit sign (R2-1), 24" x 36", and a bottom panel (S4-1) indicating the specific periods of the day and/or days of the week, when the special school speed limit applies. The bottom panel shall be 24" x 10" (or larger if needed) and shall have a black legend on a white background. Alternate legends such as WHEN CHILDREN ARE PRESENT (S4-2) may be used if permitted by law. The numerical speed limit displayed on the sign shall be the limit established by law.



S4-1
24" x 10"



S4-2
24" x 10"



S4-3
24" x 8"



S4-4
24" x 10"

Variable display signs may be used to indicate the special school speed limit. These signs may use blank-out messages or other methods to display the school speed limit only during the periods it applies. A Speed Limit Sign Beacon may also be used, with a WHEN FLASHING sign (S4-4), to identify the periods the school speed limit is in force. The

lenses of the Speed Limit Sign Beacon may be positioned within the face of the School Speed Limit sign.

Because of special features, it may not always be practical to make variable display signs conform in all respects to the accepted standards. However, during the periods the school speed limit is in force, their basic shape, message, legend layout, and colors should conform to the standard for the fixed message sign, except that if the sign is internally illuminated, it may have a white legend on a black background.



School Speed Limit
Sign Assembly



Possible Sign
With Speed Limit
Sign Beacon

Variable display signs with flashing beacons should be used for the more critical situations, where greater emphasis of the special school speed limit is needed.

Where practical, consideration should be given to including, on the back of variable display signs, a light or device to indicate the speed limit message is in operation or visible.

The end of an authorized and posted school speed zone shall be marked with a standard Speed Limit sign showing the speed limit for the section of highway which follows or with an END SCHOOL ZONE sign.

7B-13 Parking and Stopping Signs (R7 Series)

Parking signs and other signs governing the stopping and standing of vehicles in school areas cover a very wide variety of regulations and only general specifications can be laid down here. Typical examples are as follows:

1. No Parking 8:00 AM to 5:00 PM School Days Only.
2. No Stopping 8:00 AM to 5:00 PM School Days Only.
3. 5 Min. Loading 8:00 AM to 5:00 PM School Days Only.

Textbook

Many European and other countries have tended historically either to enforce speed limits only in hazardous rural areas or in urban areas or to enact single speed limits by statute to cover all highways of a certain kind in a given area. The practice of setting special speed limits for specific roadway conditions is relatively new. In some cases (Route M-1 in England, for example) highways were or are operated with no speed limit whatever. This total lack of speed control has generally proven unsafe.

SPEED REGULATIONS

FACTORS AFFECTING SPEED REGULATIONS

Public attitude. The traffic engineer will receive many requests for establishing new speed limits or for altering existing limits upward or downward. Such requests often reflect citizen opinion that something is wrong with a particular section of highway or with the operation of traffic thereon. A request for a revised speed limit, usually lower than the limit posted, is sometimes the only immediate solution that the public can offer. Such requests often are based on the misconception that almost all motorists will automatically exceed the posted limit by 5 or 10 mph and that the only way to reduce speeds is to reduce the speed limit. Citizens, acting as individuals or groups, will frequently request lower speed limits for their own neighborhood streets than they, as drivers, would consider reasonable in similar neighborhoods elsewhere.

The consensus of traffic engineers in the United States is that motorists usually adjust their speeds according to conditions on the road and not necessarily to posted speed limits. Hence, if unreasonably low limits are posted, the limit will be violated by large numbers of drivers. This leads to disrespect of other posted limits as well.

Studies of speed in Europe have shown, almost without exception, that the speed of vehicles can be considerably reduced by installing a speed limit. Experience in the United States indicates that drivers do not drastically alter speed patterns with changes in speed limits. One possible explanation is that European experience generally deals with the application of speed limits for the first time, but the United States experience usually deals with revision of existing speed limits.¹

Public reaction to the imposition of speed limits varies. In 1971 West Germany proposed the imposition of a 100 kph (62 mph) speed limit on two-lane rural roads where previously no speed limit had been posted. The purpose was to reduce West Germany's high accident rate. The general public reaction was one of anger.² In other instances, speed limits have been welcomed.

Accident frequency and severity vs. speed. Various safety campaigns aimed at drivers have attempted to persuade them that speed is the cause of almost all accidents, and that if speed can be controlled, accidents will be prevented or reduced. Although excessive speed has often been listed in police reports as the cause or major contributing factor in accidents, the real problem is driving too fast for prevailing conditions.

Statistics have generally shown that the imposition of a speed limit in an urban

¹ DONALD C. CLEVELAND, "Speed and Speed Control," *Traffic Control and Roadway Elements—Their Relationship to Highway Safety* (Revised, Chapter 6 (Washington, D.C.: Highway Users Federation for Safety and Mobility, 1970), p. 6.

² ALICE SIEGERT, "Speed Limits Irk Germans," *Chicago Tribune*, October 11, 1971, Sec. 1-A, p. 3.

specific speed limits. This information should be gathered both in a qualitative and quantitative manner which will justify the actions taken.

Requisite studies. The *Uniform Vehicle Code* requires that an engineering and traffic investigation shall be the basis for altering any maximum speed limit set forth in the Code. Almost all state laws contain a similar provision. What constitutes "an engineering and traffic investigation" is not described in the statute or in the *Uniform Vehicle Code*. Judgment must be used to select the pertinent data. Because posted speed limits apply to normal roadway conditions (dry pavement, good visibility, roadway uninhibited by traffic congestion or accidents) those data should be collected so that they truly indicate what would be considered normal maximum speed under such conditions.

The following factors should be considered, and appropriate data gathered, in establishing speed limitations:

1. Prevailing vehicle speeds
 - a. 85-percentile speed
 - b. Pace
 - c. Average test run speeds
 - d. Speed distribution data
2. Physical features
 - a. Design speed
 - b. Measurable physical features
 1. Maximum comfortable speed on curves
 2. Spacing of intersections
 3. Number of roadside businesses per mile
 - c. Roadway surface characteristics and conditions
 1. Slipperiness of pavement
 2. Roughness of pavement
 3. Presence of transverse dips and bumps.
 4. Presence and condition of shoulders
 5. Presence and width of median
3. Accident experience
4. Traffic characteristics and control
 - a. Traffic volumes
 - b. Parking and loading vehicles
 - c. Commercial vehicles
 - d. Turn movements and control
 - e. Traffic signals and other traffic control devices that affect or are affected by vehicle speeds
 - f. Vehicle-pedestrian conflicts¹¹

The spot speed check should show whether only free-moving vehicles or whether all vehicles were recorded. A free-moving vehicle is one in which the driver is not restricted by other vehicles in selecting his speed. Observations should be restricted to those vehicles having at least from 6- to 9-sec headways from those ahead and making no apparent effort to overtake and pass them.

¹¹ For additional information on these factors and their application to speed zoning, see "An Information Report on Speed Zoning," *Traffic Engineering*, XXXI, No. 10 (1961), pp. 39-44.

The 85-percentile speed as determined by spot speed studies is the principal factor generally used by traffic engineers to determine speed limits. Although this method is highly satisfactory on streets and highways carrying moderate to heavy volumes of traffic, it is difficult to apply on low-volume roads because of the time consumed in gathering the necessary number of observations. In such cases, trial runs can serve as a satisfactory substitute.

Criteria for establishing speed limits. The Traffic Committee for the American Association of State Highway Officials adopted in 1970 the following policy statement for the establishment of speed zones:

The 85th percentile speed is to be given primary consideration in speed zones below 50 miles per hour, and the 90th percentile speed is to be given primary consideration in establishing speed zones of 50 miles per hour or above. To achieve the optimum in safety, it is desirable to secure a speed distribution with a skewness index approaching unity.

Signing for speed limits. Signing for speed limits should be consistent with the appropriate sections of the latest edition of a manual on uniform traffic control devices, or an equivalent, used in each country (see Chapter 16, Traffic Signs and Markings).

Signs for speed limits are erected at varying intervals, depending on highway type and general location. In urban areas, speed limit signs are usually erected at intervals not exceeding one-half mile if the speed limit is 40 mph or less. On freeways and in rural areas, frequency of signing varies considerably, with intervals between signs usually ranging from one to five miles.

DETERMINATION OF ADVISORY SPEED INDICATIONS

Two basically different methods are available for determining advisory speed limits on horizontal curves: (1) by trial speed runs with a test vehicle or (2) by office calculation. Either method is satisfactory, but field runs to check the office calculations are desirable in any event.

The trial speed runs method involves using a vehicle equipped with a ball-bank indicator to show the combined effect of the body roll angle, the centrifugal force angle, and the superelevation angle. Safe speeds on curves are indicated by ball-bank readings of 14° for speeds below 20 mph, of 12° for speeds between 20 and 35 mph, and of 10° for speeds of 35 mph and higher. Also, 10° is safe for 50 mph and even 60 mph, but for higher speeds a smaller reading should be used.¹²

In using the office method for determination of advisory speed, the advisory speed indication for a curve may be calculated by the following formula:

$$V = \sqrt{\frac{(e + f)R}{0.067}} = \sqrt{15(e + f)R}$$

where V = advisory speed of vehicle in mph,
 e = superelevation in ft per ft of horizontal width,
 f = transverse coefficient of friction,
 R = radius of curvature in ft.

¹² *A Policy on Geometric Design of Rural Highways* (Washington, D.C.: American Association of State Highway Officials, 1965), p. 154.

13 AAC 02.325. SPECIAL SPEED LIMITATIONS. (a) No person may drive a motor-driven cycle when lights are required to be turned on as prescribed under 13 AAC 04.010 at a speed greater than allowed by the intensity of the headlights as provided by 13 AAC 04.320.

(b) No person may drive a vehicle which is towing a mobile home at a speed greater than 45 miles per hour.

(c) No person may drive a vehicle equipped with lighted headlights described in 13 AAC 04.020(g) at a speed greater than 20 miles per hour.

School zone
(d) No person may drive a vehicle at a speed in excess of 20 miles per hour when passing a marked public school or playground crosswalk that is posted with an official school, school crossing or speed-control sign. The speed zone at the crosswalk extends 300 feet in either direction from the marked crosswalk.

(e) No person may drive a vehicle passing a school bus displaying alternately flashing yellow lights as provided in 13 AAC 04.097(b) at a speed greater than 20 miles per hour.

(f) No person may drive a vehicle or a combination of vehicles over a bridge or other elevated structure or through a tunnel or underpass constituting a part of a highway, ferry facility or city street at a rate of speed or with a gross weight or of a size which is greater than the maximum speed or maximum weight or size designated by an official traffic-control device. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.330. RACING ON HIGHWAYS. (a) No person may participate in a race between motor vehicles upon a public highway, except as provided in AS 05.35.

(b) As used in this section, "race" means the use of one or more vehicles in attempting to outgain or outdistance another vehicle or while comparing or contesting relative speeds or powers of acceleration of the vehicles over a specified or unspecified distance or route,

whether or not the speed exceeds the maximum prescribed by law. (Eff. 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

ARTICLE 8. STOPPING, STANDING, AND PARKING

Section

- 340. Stopping, standing, or parking on highway and in other locations
- 345. Officers authorized to remove vehicles
- 350. (Repealed)
- 355. (Repealed)
- 360. (Repealed)
- 365. Additional parking regulations
- 367. Loading zones
- 370. (Repealed)
- 372. Public carrier stops
- 375. (Repealed)
- 377. Parking meter zones

13 AAC 02.340. STOPPING, STANDING, OR PARKING ON HIGHWAY AND IN OTHER LOCATIONS. (a) No person may stop, park or leave standing a vehicle, whether attended or unattended, upon or within eight feet of a roadway, except where the roadway is of sufficient width and design to allow parking without interfering with the normal flow of traffic or with snow removal or other highway maintenance, and where the parking, stopping or standing is not prohibited by an official traffic-control device.

(b) This section and sec. 365 of this chapter do not apply to the driver of a vehicle performing an official duty which requires stopping, standing or parking upon or within eight feet of a roadway or to the driver of a vehicle which is disabled in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon or within eight feet of a roadway. The driver of a disabled vehicle shall comply with the requirements of sec. 345 of this chapter.

(c) A vehicle that is stopped, parked, or standing in violation of a statute, regulation, or ordinance, is considered to have been stopped, parked or left standing by the registered owner of the vehicle unless the registered owner is able to prove that at the time of the violation the

13 AAC 02.260. OVERTAKING AND PASSING SCHOOL BUS. (a) The driver of a vehicle meeting or overtaking a school bus stopped on a highway must stop before reaching the school bus when there is in operation on the school bus flashing red lights as provided in 13 AAC 04.097. The driver may not proceed until the school bus resumes motion, he is signaled by the school bus driver to proceed, or the flashing red lights are no longer illuminated.

(b) Repealed 6/28/79.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway, or when upon a controlled-access highway and the school bus is stopped off the roadway in a loading zone which is part of, or adjacent to, the controlled-access highway and where pedestrians are not permitted to cross the roadway.

(d) When a school bus is stopped on a roadway, whether or not there are in operation flashing red lights as required in 13 AAC 04.097, a driver of a vehicle shall yield the right-of-way to children crossing a roadway to embark on or disembark from the school bus, whether or not the children are crossing within a marked crosswalk, or crossing the roadway upon which the bus is located. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.265. STOP WHEN TRAFFIC MAY BE OBSTRUCTED. No driver may enter an intersection or crosswalk, or drive onto a railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is driving without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding a traffic-control signal indication to proceed. (Eff. 6/28/79, Reg. 70)

Authority: AS 28.05.011

ARTICLE 7. SPEED RESTRICTIONS

Section

- 275. Basic rule and maximum limits
- 280. Alteration of limits by state and municipalities
- 285. (Repealed)
- 290. (Repealed)
- 295. Minimum speed regulation
- 300. (Repealed)
- 305. (Repealed)
- 310. (Repealed)
- 315. (Repealed)
- 320. (Repealed)
- 325. Special speed limitations
- 330. Racing on highways

13 AAC 02.275. BASIC RULE AND MAXIMUM LIMITS. (a) No person may drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway, and weather conditions.

(b) Except when a special hazard exists that requires a lower speed for compliance with (a) of this section, the limits specified in this subsection are the maximum lawful speeds throughout the state, and no person may drive a vehicle at a speed in excess of these maximum limits, unless otherwise posted:

- (1) 15 miles per hour in an alley;
 - (2) 20 miles per hour in a business district;
 - (3) 25 miles per hour in a residential district;
- or
- (4) 55 miles per hour on any other roadway.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) The maximum speed limits set forth in (b) of this section may be altered as authorized in sec. 280 of this chapter. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.280. ALTERATION OF LIMITS BY STATE AND MUNICIPALITIES. (a) When the Department of Transportation and Public Facilities with the assistance of the department, or a municipality, in their respective jurisdictions and consistent with AS 28.01.010, determines upon the basis of an engineering and traffic investigation that a maximum speed prescribed in sec. 275(b) of this chapter is greater or lesser than is reasonable or safe under the conditions found to exist at an intersection, or an arterial street, or at any other place or part of the state or municipal highway system, the respective authority may determine a reasonable and safe maximum limit at the location. The maximum speed limit is effective when signs giving notice of the maximum limit are erected.

(b) Alteration under (a) of this section may

(1) decrease the limit at an intersection or other place where a full stop is necessary;

(2) increase the limit to not more than 55 miles per hour;

(3) decrease the limit within an urban district to less than 20 miles per hour, except as otherwise provided under AS 28.01.010(b); or

(4) decrease the limit outside an urban district.

(c) A maximum speed limit may be effective at all times or at times indicated by the signs required by (a) of this section. Limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. The limits are effective when posted upon fixed or variable signs.

(d) The Department of Transportation and Public Facilities or a municipality, in their respective jurisdictions, may regulate the timing of traffic signals to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections when they erect signs giving notice of the variance. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.285. WHEN LOCAL AUTHORITY MAY ALTER MAXIMUM LIMIT. Repealed 6/28/79.

13 AAC 02.290. SPEED LIMIT CONFLICTS. Repealed 6/28/79.

13 AAC 02.295. MINIMUM SPEED REGULATION. (a) No person may drive a motor vehicle so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with statutes, regulations, or ordinances.

(b) When the Department of Transportation and Public Facilities, or a municipality, in their respective jurisdictions, determines under sec. 280 of this chapter that slow speeds on a highway or part of a highway unreasonably impede the normal movement of traffic, the respective authority may determine a minimum speed limit not in excess of 55 miles per hour for that highway or part of a highway below which no person may drive a vehicle, except when necessary as prescribed in (a) of this section. The limit is effective when posted on fixed or variable signs. (In effect before 7/28/59, am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.300. SPEED LIMIT ON LIMITED OR CONTROLLED-ACCESS FACILITY. Repealed 6/28/79.

13 AAC 02.305. "STOP" SIGN AT INTERSECTION WITH INCREASED SPEED HIGHWAY. Repealed 6/28/79.

13 AAC 02.310. MAXIMUM SPEED LIMIT WHEN PASSING SCHOOL OR PLAYGROUND CROSSWALK. Repealed 6/28/79.

13 AAC 02.315. MAXIMUM SPEED, WEIGHT OR SIZE - BRIDGE, ELEVATED STRUCTURE, TUNNEL AND UNDERPASS. Repealed 6/28/79.

13 AAC 02.320. SPECIAL SPEED LIMITATION ON MOTOR SCOOTER. Repealed 6/28/79.

MEMORANDUM

State of Alaska
Department of Transportation & Public Facilities

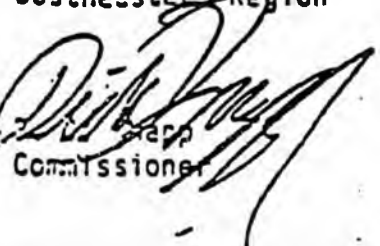
to Jon Scribner
Deputy Commissioner
Southeastern Region

DATE: May 15, 1984

FILE NO

TELEPHONE NO 465-3900

SUBJECT: Statewide Policy on
Setting Speed Zones


Commissioner

Attached is a Policy and Procedure (P&P) on the establishment of speed zones on state-maintained roadways. This P&P formalizes the general procedure used by the Regional Traffic and Safety units.

The "speed order" on page 5 of the P&P should be prepared in a form suitable for your Region's organization, with appropriate position titles inserted under the delegated approval spaces. Please send a copy of the form to be used by your Region to my Standards and Technical Services Division for their files.

Attachment

cc: John J. Simpson, Director, Standards & Technical Services Division

mdh

MAY 17 1984

STANDARDS & TECHNICAL SERVICES
DIRECTOR'S OFFICE

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB No. 552
 Title : An Act Relating to Setting
 Speed Limits and Neighborhood Speed
 Zones
 Sponsor : Uehling, Martin, Ringstad, et. al.
 Requestor : _____
 Date of Request : February 24, 1986

FISCAL DETAIL

Agency Affected : DOT&PF
 BRU : Design and Construction
 Engineering and Operations Standards
 Components : Traffic and Safety

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

On-site engineering studies of varying complexity are already required in the appropriate establishment of all speed zones. Therefore, no significant impact on expenditures can be anticipated.

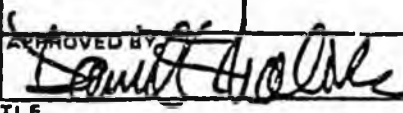
Gordon G. Hayes, Director 2/21/86

Prepared by : Gordon G. Hayes Phone : 465-2968
 Division : Engineering & Operations Standards Date : February 21, 1986

Approved by Commissioner : [Signature] Date : 2/25/86
 Agency : Transportation and Public Facilities

Distribution (by Agency preparing fiscal note) :

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- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POLICY AND PROCEDURES		P & P No. 70-7003	Page 1 OF 6
SUBJECT ESTABLISHMENT OF SPEED ZONES		Effective Date May 15, 1984	
		Supervisor P & P no.	Dated
DIVISION Standards and Technical Services		SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones
APPROVED BY 			

PURPOSE

To guide personnel in the uniform establishment of speed zones.

POLICY

It shall be the policy of this department to have and maintain uniform criteria statewide for the establishment of speed zones. Individuals responsible for administering this program will be required to apply these criteria according to accepted engineering practices.

DISTRIBUTION

All holders of the "Design and Construction" and "Maintenance and Operations" Policy and Procedures manual, and Regional Traffic and Safety Engineers.

PROCEDURE

ESTABLISHMENT OF SPEED ZONES

1. Legal Authority

Section 19.10.070 of the Alaska Statutes states that "The Department (of Transportation and Public Facilities)... shall determine safe speed limits on highways under its jurisdiction." Authority to act for the Department is vested in the Commissioner or his designated representative. For the purpose of establishing speed limits on State highways or State-maintained roads, the Regional Deputy Commissioners have jurisdiction in their respective Regions and, provided that the requirements set forth herein are met, may assign authority to the appropriate Regional officials to establish speed zones. Current practice is for the Regional Director of Design and Construction or the Regional Highway Engineering Chief to authorize establishment of speed zones with the concurrence of the Regional Director of Maintenance and Operations, whose division installs and maintains any required regulatory signing.

Speed limits other than as set forth herein must have the specific approval of the Regional Deputy Commissioner.

2. Engineering and Traffic Investigation

a. Speed zoning should be reserved for thoroughfares with appreciable volumes of traffic where such zoning can be shown to facilitate the orderly movement of traffic by increasing driver awareness of a reasonable speed.

Restricted speed zones shall not be used where physical conditions such as width, curvature, grade and surface conditions or any other physical condition readily apparent to the driver are the only reasons for a reduced speed. Physical conditions

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POLICY AND PROCEDURES		P & P No. 70-7003	Page 2 OF 6
SUBJECT ESTABLISHMENT OF SPEED ZONES		Effective Date May 15, 1984	
		Supersedes P & P No.	Dated
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DIVISION Standards and Technical Services	SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones	

which require reduced speeds are best handled with a standard warning sign accompanied by an advisory speed plate (W13-1 in the Alaska Traffic Manual).

Short speed zones, including short transitional zones, should be avoided as they are ineffective and difficult to enforce. The minimum length of posted speed limit should be such that the motorist is in the zone a minimum of 25 seconds at the posted speed. (Exception: School Zone Speed Limits.) See 13 AAC 02.325(d)

The basic intent of speed zoning is to influence as many drivers as possible to operate at or near the same speed--thus reducing conflicts created by wide differentials in operating speeds. Low-volume streets, therefore, offer little opportunity for encouraging closely grouped speeds due to the absence of traffic platoons under normal conditions.

b. Speed surveys, consisting of multiple spot speed checks shall be made in accordance with procedures set forth in the Transportation and Traffic Engineering Handbook.

A sufficient number of spot speed checks should be made so that a representative speed profile can be determined for the subject section of road. If practicable, a minimum of three checks should be made for any proposed zone (one at each end and one in the center of the zone) and additional checks should be taken at intervals, particularly in the vicinity of road elements which affect vehicular speeds (presence or absence of parked vehicles, pedestrians, multiple turn locations, etc.).

Each spot speed check should consist of recording the speed of a minimum of 100 vehicles (totaled both directions). However, where more than two hours are required to obtain the speeds of a minimum of 100 vehicles, automatic speed recording equipment may be used. Only those vehicles which are free flowing, whose speed is not appreciably affected by other moving traffic, shall be recorded. Checks should be made only during daylight hours, with clear weather and dry pavement along tangent roadway sections, inasmuch as the limit to be posted represents the highest safe speed for that portion of roadway under the best conditions. During darkness or poor road and/or atmospheric conditions, the motorist is governed by the basic speed law which requires that he always drive at a safe and prudent speed regardless of higher posted limits.

When speed checks are taken near a traffic signal, only those vehicles which move through the intersection on a green light without slowing or stopping shall be recorded. Spot speed checks shall not be taken any closer than 300 feet from a stop sign facing traffic being studied.

c. Where restricted speed limits are needed, they shall be established at or near the 85th percentile speed, which is defined as that speed at or below which 85 percent of the traffic is traveling. Regardless of the posted limit, and to a certain extent the level of enforcement, the 85th percentile speed remains the same for a given section of road. The effects of posting a zone lower than the 85th percentile is to increase the percentage of drivers exceeding the posted limit and to

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
POLICY AND PROCEDURES

P & P No. 70-7003 Page 3 OF 6

Effective Date
May 15, 1984

SUBJECT
ESTABLISHMENT OF SPEED ZONES

Supersedes P & P No.

Dated

APPROVED BY
[Signature]

DIVISION Standards and
Technical Services

SECTION ~~Traffic and~~
Highway Safety

CHAPTER TITLE
Speed Zones

decrease the percentage of motorists within the pace, which is an undesirable effect. The pace speed is defined as that 10-mile-per-hour increment of speed containing the largest number of vehicles. The safest road conditions occur when all vehicles on the road are moving at the same speed. This ideal is impractical. However, it is known that when the pace contains 70 percent or more of the vehicles, accidents are minimized. It has also been determined that when roadways are posted at the 85th percentile speed, the pace usually contains 70 percent or more of the vehicular traffic.

The basic speed law states that no person shall drive at a speed greater than is reasonable or prudent. The majority of drivers comply with this law, and disregard regulations which they consider unreasonable. It is only a small percentage of drivers who are inclined to be reckless, unreliable, or who have faulty judgement and must be controlled by enforcement. Speed limits set at or near the 85th percentile speed provide law enforcement officials with a means of controlling the drivers who will not conform to what the majority considers reasonable and prudent.

Speed limits established on this basis conform to the consensus of those who drive the highway as to what speed is reasonable and safe, and are not dependent on the judgement of one or a few individuals.

To actually determine the posted limit, a speed profile shall be plotted using the 85th percentile speeds from the spot speed checks. The plot shall be in graphic form with speed being plotted along the vertical axis and distance along the roadway plotted against the horizontal axis.

The 5-mile-per-hour increments that most nearly approximate the speed profile shall be used as the posted speed, keeping in mind that no speed zone should be less than 25 seconds long when traversed by a motorist at the posted limit. In a long survey area where multiple zoning is to be used, it is not necessary to drop by 5-mile-per-hour increments. In fact, 10- or 15-mile-per-hour changes with relatively long zones are preferable to multiple short zones with 5-mile-per-hour increments. It is safer and more efficient to post above the 85th percentile speed rather than below it. The average driver should not feel safe driving over the posted limit.

Although a properly posted speed zone will benefit traffic operations by increasing the percentage of vehicles in the pace, full realization of the advantages can only be achieved by proper enforcement of the posted maximum. Therefore, it is essential that a restricted speed zone have the support and concurrence of the appropriate enforcement agency.

Construction Speed Zones

Regulatory speed zones (black-on-white signs) specifically for construction areas shall be avoided whenever possible. Every effort shall be made to control traffic by other means such as signs, lights and delineation before utilizing reduced regulatory

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POLICY AND PROCEDURES		P & P No. 70-7003	Page 6 OF 6
SUBJECT ESTABLISHMENT OF SPEED ZONES		Effective Date May 15, 1984	
DIVISION Standards and Technical Services		Supersedes P & P No.	Dated
SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones		
<i>[Signature]</i>			

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

IN REFERENCE TO:

State Route CDS 296000

ORDER

Establishing a Speed Limit
on a State Highway

Between Mandanah Loop Road (CDS 30.68) *

and Auke Lake Scenic Turnout (CDS 28.54)

WHEREAS Section 19.10.070 of the Alaska Statutes provides that the Department of Transportation and Public Facilities shall establish safe speed limits on the State Highways; and

WHEREAS the Department of Transportation and Public Facilities has conducted an engineering and traffic investigation; and

WHEREAS said investigation indicates that the hereinbelow ordered speed is the maximum reasonable and safe speed on the hereinbelow described State Highway or State-maintained road;

IT IS HEREBY ORDERED THAT:

Vehicles traversing the State Highway between the junction with Mandanah Loop Road (CDS 30.68) and the Auke Lake Scenic Turnout (CDS 28.54) shall not exceed a maximum speed of (fifty (50)) miles per hour.

IT IS FURTHER ORDERED that the appropriate signs be erected along said roadway to advise the motorist of the speed limits set forth herein.

This order supercedes any previously conflicting order(s) issued for that portion of the roadway where the conflict exists.

Date _____ (Appropriate Title, Design and Construction Division)

Date _____ (Appropriate Title, Maintenance and Operations Division)

Sign and copies to Director, Standards and Technical Services Division, and

Enforcement Jurisdiction Agency Annual or Expedited Posting Date

FIGURE 1

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
POLICY AND PROCEDURES

70-7003

5 OF 6

Effective Date
May 15, 1984

SUBJECT
ESTABLISHMENT OF SPEED ZONES

Supersedes P & P No. Dated

APPROVED BY
Louise Melis

DIVISION ~~Standards and~~
Technical Services

SECTION ~~Traffic and~~
Highway Safety

CHAPTER TITLE
Speed Zones

Highway" (Speed Order) using the format shown in Figure 1, which shows in italics an example of the particulars to be filled in.

The DSC representative shall forward the signed order to the Maintenance and Operations designee who, upon acknowledging concurrence, shall forward to the Standards and Technical Services Division and the appropriate enforcement agency/agencies copies indicating the actual or expected date the speed limit will be posted, and shall return the original to the DSC designee.

If the responsible parties do not agree, or in their opinion a limit other than that indicated by the speed profile is necessary, all pertinent data and recommendations shall be forwarded to the Regional Deputy Commissioner for resolution.

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES POLICY AND PROCEDURES		# & P No. 70-7003	Page 4 OF 6
SUBJECT ESTABLISHMENT OF SPEED ZONES		Effective Date May 15, 1984	
		Supersedes P & P No.	Dated
		APPROVED BY <i>[Signature]</i>	
DIVISION Standards and Technical Services	SECTION Traffic and Highway Safety	CHAPTER TITLE Speed Zones	

speed zoning. The use of the black-on-orange (CW13-1) advisory speed plate with appropriate standard warning signs (curve, detour ahead, bump, etc.) is usually more effective than a reduced regulatory speed zone. To preserve the effectiveness of the advisory speed plate, it shall be mounted in conjunction with the warning sign which requires reduced speed ahead and shall be as high a speed as is reasonable and practical.

However, when construction project activities create a sufficiently hazardous condition, and such activities demand an immediate notification of and reduction in speed, the Regional Highway Engineering Chief is authorized to determine and post regulatory speed limits throughout the particular construction zone. These regulatory speed limits are temporary in nature and shall be promptly removed when the warranting hazard has been eliminated.

If special conditions within a construction project dictate that regulatory speed limits are required for an extended period of time, then a formal engineering and traffic investigation shall be conducted which encompasses the same basic information previously indicated for such an investigation.

SPEED LIMIT SIGNS

1. Legal Requirements

13 AAC 02.280 provides that speed limits other than the blanket statewide maximums shall not be effective until and unless signs are placed informing the motorist of the specific zone.

2. Speed Limit Signs

Speed limit signs (R2-1) shall be placed at the beginning of each zone and at such other locations within the zone as necessary to advise the motorist of the posted limit. On long zones of over one mile in length, intermediate signs should be placed so that the motorist receives an indication of the posted limit at least once every two minutes when traveling at the posted limit. On one-way roadways in excess of 20 feet in width, speed limit signs should be installed on the left as well as the right of traffic.

3. End of Zone

At the end of a posted speed zone, a speed zone sign (R2-1) indicating the appropriate statewide blanket speed shall be erected for motorists leaving the posted zone.

IMPLEMENTATION

After determining and documenting the reasons for an appropriate numerical limit for a proposed speed zone, the responsible Regional Design and Construction (D&C) Division representative shall issue an "Order Establishing a Speed Limit on a State



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

February 24, 1986

MEMORANDUM

TO: Representative Rick Uehling
ATTN: David Cobb
FROM: Mary Jennings *mg*
Legislative Analyst
RE: Speed Limits in Other States
Research Request 86-113

You requested information regarding regulations and policies in other states which guide how speed limits are set, specifically, in parks, schools, and neighborhoods with children. You requested we examine policies in Arizona, California, Connecticut, Massachusetts, New York, Oregon, and Virginia.

Conclusions

Arizona, California, Massachusetts, Oregon, Virginia, and Washington have statutes that set speed limits in business, residential, and school areas.¹ In Connecticut and New York, the speed limit for state highways in these areas is set by the State Department of Transportation (DOT). Oregon was the only state that had a statute specifically applying to state highways in parks.

Arizona. According to statute, the speed limit for state highways in business or residential districts is 25 miles per hour (mph) and in school zones with children present the limit is 15 mph. Local authorities set the limits for roads within their jurisdiction, but cannot raise or lower speed limits by increments of more than 10 mph.

California. Speed limits are addressed in the California Vehicle Code. For state highways in residential or business districts the speed limit

¹For various state definitions of these areas see Attachment A.

Representative Uehling
February 24, 1986
Page Two

is 25 mph and the limit in school zones with children present is 25 mph. Local authorities may determine a different speed for roads in their jurisdiction under procedures set forth in the Vehicle Code.

Connecticut. In Connecticut, the DOT has the authority to set speed limits on state highways in residential, business, and school areas. Roads under the jurisdiction of local authorities must have speed limits approved by the DOT.

Oregon. For state highways in residential and business districts and state roads in parks and beaches, Oregon statute sets the speed limit at 25 mph. In school zones with children present the limit is 20 mph. The Oregon State Speed Control Board approves speed limits set by local authorities for roads under local jurisdiction.

Massachusetts. According to statute, the speed limit for state highways inside a residential or business district is 30 mph. In a school zone, the limit is 20 mph. Roads under the jurisdiction of local authorities must have speed limits approved by the DOT and the Registry of Motor Vehicles.

New York. The DOT sets speed limits for state highways in business, residential, and school areas. Roads under the jurisdiction of local authorities must have speed limits approved by the DOT.

Virginia. According to statute, the speed limit for state highways in business or residential districts is 25 mph. In schools zones with children present, the limit is 25 mph. Speed limits for roads under the jurisdiction of local authorities are set by the local authorities.

Washington. The Standard Speed Statute in Washington sets a limit of 25 mph for state highways in cities or towns. In school zones with children present, the limit is 20 mph. Speed limits for roads under the jurisdiction of local authority must be approved by the State Maintenance Engineer of the DOT.

I have attached pertinent statutes from California, Connecticut, Massachusetts, and Virginia. For your interest, I have also attached pertinent statutes from Indiana, Hawaii, Louisiana, and Pennsylvania. I hope you find this information useful. If you have any questions or if we can be of further assistance, please contact our office.

MJ

Attachments

Offered: 3/26/86
Referred: Finance

Original sponsors: Uehling, Martin,
Ringstad, et al

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 552 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to setting speed limits and neigh-
7 borhood speed zones."

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

9 * Section 1. AS 19.10.070 is amended to read:

10 Sec. 19.10.070. DETERMINATION OF SAFE SPEED LIMITS. The de-
11 partment may conduct investigations with the assistance of the Depart-
12 ment of Public Safety and shall determine safe speed limits and safe
13 speed zones on highways and arterial roadways under its jurisdiction.

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

15 Sec. 19.10.072. NEIGHBORHOOD SPEED ZONES AND LOCAL HEARING
16 PROCESS. (a) In determining safe speed limits and safe speed zones,
17 the department shall consider the following factors in the order of
18 priority listed:

19 (1) neighborhood safety, including the presence of children
20 and pedestrian traffic;

21 (2) the presence of schools, houses, parks, and crosswalks;

22 (3) the presence of driveways, parked vehicles, and multi-
23 ple turn locations;

24 (4) that speed at which safe and prudent drivers could pass
25 through the speed zone; and

26 (5) the effectiveness of local enforcement of the speed
27 zone.

28 (b) In determining safe speed limits and safe speed zones within
29 a municipality the department shall consult with that municipality.

1 In determining safe speed limits and safe speed zones on highways and
2 arterial roadways under its jurisdiction the department shall also
3 consult with community councils or other neighborhood organizations in
4 the affected area, if the community councils or other neighborhood
5 organizations request in writing to participate in the determination.
6 The department shall provide notice and opportunity for a hearing
7 before establishing a speed limit or speed zone other than as recom-
8 mended by a municipality, community council or other neighborhood
9 organization.

Offered: 3/24/86
Referred: Transportation and
Finance

Original sponsors: Uehling, Martin,
Ringstad, et al

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 552 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to setting speed limits and neigh-
7 borhood speed zones."

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

9 * Section 1. AS 19.10.070 is amended to read:

10 Sec. 19.10.070. DETERMINATION OF SAFE SPEED LIMITS. The de-
11 partment may conduct investigations with the assistance of the Depart-
12 ment of Public Safety and shall determine safe speed limits and safe
13 speed zones on highways and arterial roadways under its jurisdiction.

14 * Sec. 2. AS 19.10.070 is amended by adding new subsections to read:

15 (b) In determining safe speed limits and safe speed zones within
16 urban areas of a municipality under (a) of this section, the depart-
17 ment shall consult with that municipality. The department shall
18 provide notice and opportunity for a hearing before establishing a
19 speed limit or speed zone other than as recommended by the municipali-
20 ty.

21 (c) In determining safe speed limits and safe speed zones under
22 (a) of this section, the department shall consult with the community
23 council or other neighborhood organization in the affected area, if
24 the community council or other neighborhood organization requests in
25 writing to participate in the determination. The department shall
26 provide notice and opportunity for a hearing before establishi g a
27 speed limit or speed zone other than as recommended by the community
28 council or other neighborhood organization.

29 * Sec. 3. AS 19.10 is amended by adding a new section to read:

1 Sec. 19.10.072. NEIGHBORHOOD SPEED ZONES. In determining safe
2 speed limits and safe speed zones under AS 19.10.070, the department
3 shall consider the following factors in the order of priority listed:
4 (1) neighborhood safety, including the presence of children
5 and pedestrian traffic;
6 (2) the presence of schools, houses, parks, and crosswalks;
7 (3) the presence of driveways, parked vehicles, and multi-
8 ple turn locations;
9 (4) that speed at which safe and prudent drivers could pass
10 through the speed zone; and
11 (5) the effectiveness of local enforcement of the speed
12 zone.

Introduced: 2/7/86
Referred: State affairs,
Transportation and Finance

BY UEHLING, MARTIN, RINGSTAD,
FURNACE, JENKINS, MARROU,
HANLEY, COLLINS, SZYMANSKI,
SUND, TAYLOR AND BOUCHER

1 IN THE HOUSE

2 HOUSE BILL NO. 552

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to setting speed limits and
7 neighborhood speed zones."

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

9 * Section 1. AS 19.10.070 is amended to read:

10 Sec. 19.10.070. DETERMINATION OF SAFE SPEED LIMITS. The de-
11 partment may conduct investigations with the assistance of the Depart-
12 ment of Public Safety and shall determine safe speed limits and safe
13 speed zones on highways under its jurisdiction.

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

15 Sec. 19.10.072. NEIGHBORHOOD SPEED ZONES. In determining safe
16 speed limits and safe speed zones under AS 19.10.070, the department
17 shall consider

18 (1) the presence of schools, parks, crosswalks, and pedes-
19 trian traffic;

20 (2) the presence of driveways, parked vehicles, and multi-
21 ple turn locations;

22 (3) the effectiveness of local enforcement of the speed
23 zone;

24 (4) that speed at which safe and prudent drivers could pass
25 through the speed zone.

HOUSE
COMMITTEE REPORT

4/22

(7)

Date referred: 4/16/86

FURTHER REFERRALS: FINANCE

DATE: _____

The COMMUNITY AND REGIONAL AFFAIRS Committee has considered HB 553

"An Act making special appropriations to the Department of Community and Regional Affairs for senior citizen housing development grants and for low-cost and low-income housing development; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with C.S.H.B. 553 (C.R.A.) same title
- new title

and recommends indivisid

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

Chairman

HOUSE
COMMITTEE REPORT

C&RA

4/16

(5)

Date referred: 2/7/86

FURTHER REFERRALS: FINANCE

DATE: _____

HOUSE SPECIAL COMMITTEE
ON STATE LOANS

Committee has considered HB 553

"An Act making special appropriations to the Department of Community and Regional Affairs for senior citizen housing development grants and for low-cost and low-income housing development; and providing for an effective date.

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CSHB 553 (loans) same title
- new title

and recommends intended

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Rich Cleary

John S. ...

SIGNING OTHER RECOMMENDATIONS:

Sen Costa no rec (capital Budget)

John Fisher no rec

John S. ...

Chairman

Offered: 4/22/86
Referred: Finance

fad

Original sponsors: Uehling, Goll,
Boucher, et al

Funding Information

General Fund	\$8,500,000
Other Funds	-0-
	<u>\$8,500,000</u>

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 553 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Community and Regional Affairs for senior
8 citizen housing development grants; and providing for
9 an effective date."

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

11 * Section 1. The sum of \$8,500,000 is appropriated from the general
12 fund to the senior citizens housing development fund in the Department of
13 Community and Regional Affairs for the purpose of making grants under
14 AS 44.47.620 for senior citizen housing development.

15 * Sec. 2. The appropriation made by this Act is for a capital project
16 and is subject to AS 37.25.020.

17 * Sec. 3. This Act takes effect July 1, 1986.
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Offered: 4/16/86
Referred: Community & Regional
Affairs and Finance
Original sponsors: Uehling, Goll,
Boucher, et al

Handwritten mark

Funding Information
General Fund \$8,500,000
Other Funds -0-
\$8,500,000

BY THE HOUSE SPECIAL
COMMITTEE ON STATE LOANS

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 553 (Loans)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Depart-
7 ment of Community and Regional Affairs for senior
8 citizen housing development grants and for low-cost
9 and low-income housing development; and providing for
10 an effective date."

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

12 * Section 1. The sum of \$7,000,000 is appropriated from the general
13 fund to the senior citizens housing development fund in the Department of
14 Community and Regional Affairs for the purpose of making grants under
15 AS 44.47.620 for senior citizen housing development.

16 * Sec. 2. The sum of \$1,500,000 is appropriated from the general fund
17 to the low-cost and low-income multiple family housing development fund
18 (AS 44.47.635) in the Department of Community and Regional Affairs for the
19 purpose of developing low-cost, low-income multiple family housing.

20 * Sec. 3. The appropriations made by this Act are for capital projects
21 and are subject to AS 37.25.020.

22 * Sec. 4. This Act takes effect July 1, 1986.
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Introduced: 2/7/86
Referred: House Special Committee on
State Loans, Community & Regional
Affairs and Finance

709

Funding Information

General Fund \$24,963,000
Other Funds -0-
\$24,963,000

1 IN THE HOUSE

BY UEHLING, GOLL AND
BOUCHER

2 HOUSE BILL NO. 553

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Depart-
7 ment of Community and Regional Affairs for senior
8 citizen housing development grants and for low-cost
9 and low-income housing development; and providing for
10 an effective date."

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

12 " Section 1. The sum of \$21,963,000 is appropriated from the general
13 fund to the senior citizens housing development fund in the Department of
14 Community and Regional Affairs for the purpose of making grants under
15 AS 44.47.620 for senior citizen housing development as follows:

16 APPROPRIATION ITEMS	AMOUNT OF APPROPRIATION
17 Cook Inlet Housing Authority	
18 Anchorage Residential II	\$4,500,000
19 Meridian Living, Inc.	
20 Anchorage	3,500,000
21 City of Fairbanks	
22 Fairbanks II	2,500,000
23 City of Haines	
24 Haines	1,500,000
25 Homer Senior Citizens, Inc.	
26 Homer Phase II	2,063,000
27 Tlingit Haida Housing Authority	
28 Kake	1,200,000
29 Alaska State Housing Authority	

1	Palmer	3,000,000
2	City of St. Mary's	
3	St. Mary's	800,000
4	City of Stebbins	
5	Stebbins	1,500,000
6	Tlingit Haida Housing Authority	
7	Yakutat	1,400,000

8 * Sec. 2. The sum of \$3,000,000 is appropriated from the general fund
9 to the low-cost and low-income multiple family housing development fund
10 (AS 44.47.635) in the Department of Community and Regional Affairs for the
11 purpose of developing low-cost, low-income multiple family housing.

12 * Sec. 3. The appropriations made by this Act are for capital projects
13 and are subject to AS 37.25.020.

14 * Sec. 4. This Act takes effect July 1, 1986.

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H03 553

ALASKA STATE LEGISLATURE

14th Legislature SECOND Session

HOUSE ...BILL..... NO. 553..

By UENLING, GOLL, BOUCHER....

"An Act making special appropriations to the Department of Community and Regional Affairs for senior citizen housing development grants and for low-cost and low-income housing development; and providing for an effective date."

senior citizen housing

Introduced in the House 2/7....., 19.86

HISTORY IN THE HOUSE

19 86

Feb 7

Read first time and referred to Committee on

LOANS, C&RA AND FINANCE

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Offered: 4/22/86
Referred: Finance

Original sponsors: Uehling, Goll,
Boucher, et al

Funding Information
General Fund \$8,500,000
Other Funds --0-
\$8,500,000

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 553 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Community and Regional Affairs for senior
8 citizen housing development grants; and providing for
9 an effective date."

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

11 * Section 1. The sum of \$8,500,000 is appropriated from the general
12 fund to the senior citizens housing development fund in the Department of
13 Community and Regional Affairs for the purpose of making grants under
14 AS 44.47.620 for senior citizen housing development.

15 * Sec. 2. The appropriation made by this Act is for a capital project
16 and is subject to AS 37.25.020.

17 * Sec. 3. This Act takes effect July 1, 1986.

Offered: 4/16/86
Referred: Community & Regional
Affairs and Finance

Original sponsors: Uehling, Goll,
Boucher, et al

Funding Information
General Fund \$8,500,000
Other Funds --0-
\$8,500,000

BY THE HOUSE SPECIAL
COMMITTEE ON STATE LOANS

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 553 (Loans)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Depart-
7 ment of Community and Regional Affairs for senior
8 citizen housing development grants and for low-cost
9 and low-income housing development; and providing for
10 an effective date."

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

12 * Section 1. The sum of \$7,000,000 is appropriated from the general
13 fund to the senior citizens housing development fund in the Department of
14 Community and Regional Affairs for the purpose of making grants under
15 AS 44.47.620 for senior citizen housing development.

16 * Sec. 2. The sum of \$1,500,000 is appropriated from the general fund
17 to the low-cost and low-income multiple family housing development fund
18 (AS 44.47.635) in the Department of Community and Regional Affairs for the
19 purpose of developing low-cost, low-income multiple family housing.

20 * Sec. 3. The appropriations made by this Act are for capital projects
21 and are subject to AS 37.25.020.

22 * Sec. 4. This Act takes effect July 1, 1986.

Introduced: 2/7/86
Referred: House Special Committee on
State Loans, Community & Regional
Affairs and Finance

Funding Information
General Fund \$24,963,000
Other Funds --0-
\$24,963,000

BY UEHLING, GOLL AND
BOUCHER

1 IN THE HOUSE

2

HOUSE BILL NO. 553

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making special appropriations to the Department of Community and Regional Affairs for senior citizen housing development grants and for low-cost and low-income housing development; and providing for an effective date."

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

12

* Section 1. The sum of \$21,963,000 is appropriated from the general fund to the senior citizens housing development fund in the Department of Community and Regional Affairs for the purpose of making grants under AS 44.47.620 for senior citizen housing development as follows:

13

14

15

16

APPROPRIATION ITEMS

AMOUNT OF APPROPRIATION

17

Cook Inlet Housing Authority

18

Anchorage Residential II

\$4,500,000

19

Meridian Living, Inc.

20

Anchorage

3,500,000

21

City of Fairbanks

22

Fairbanks II

2,500,000

23

City of Haines

24

Haines

1,500,000

25

Homer Senior Citizens, Inc.

26

Homer Phase II

2,063,000

27

Tlingit Haida Housing Authority

28

Kake

1,200,000

29

Alaska State Housing Authority

1	Palmer	3,000,000
2	City of St. Mary's	
3	St. Mary's	800,000
4	City of Stebbins	
5	Stebbins	1,500,000
6	Tlingit Haida Housing Authority	
7	Yakutat	1,400,000

8 * Sec. 2. The sum of \$3,000,000 is appropriated from the general fund
9 to the low-cost and low-income multiple family housing development fund
10 (AS 44.47.635) in the Department of Community and Regional Affairs for the
11 purpose of developing low-cost, low-income multiple family housing.

12 * Sec. 3. The appropriations made by this Act are for capital projects
13 and are subject to AS 37.25.020.

14 * Sec. 4. This Act takes effect July 1, 1986.