

**ALASKA LEGISLATURE**

**2186**

**HOUSE and SENATE FINANCE COMMITTEE FILES,**

**2001 - 2002**

# LEGISLATIVE RESEARCH REPORT

NOVEMBER 28, 2000



REPORT NUMBER 01.023

## FEDERAL HIGHWAY FUNDING AND STATE DWI LAWS

PREPARED FOR REPRESENTATIVE NORMAN ROKEBERG

BY PATRICIA YOUNG, LEGISLATIVE ANALYST

SUMMARY.....	2
INCENTIVE GRANT—ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES (SECTION 410).....	3
INCENTIVE GRANT—0.08 BAC (SECTION 163) .....	6
TRANSFER PROGRAMS—OPEN CONTAINER (SECTIONS 154) AND REPEAT OFFENDER (SECTION 164).....	7
Section 154—Open Container Requirements .....	7
Section 164—Minimum Penalties for Repeat DWI Offenders.....	8
SANCTION—0.08 BAC [SECTION 163(A)].....	9
<i>Table One: Federal Highway Funding and Alcohol-Related Programs.....</i>	<i>10</i>

You asked for an explanation of the connection between federal highway dollars and a state's drinking and driving laws. Specifically, you asked whether Alaska has foregone federal funding opportunities as a result of not having enacted certain provisions regarding open containers and repeat offenders. If so, you wished to know how long the state has foregone such revenue and the amount of funding that has been "lost." Additionally, you asked for an explanation of the funding consequences of the recent federal requirement concerning a blood alcohol concentration standard of 0.08 percent.

For purposes of this report, we focus on measures relating to driving while intoxicated (DWI) addressed by Congress in the Transportation Equity Act for the 21<sup>st</sup> Century, the current federal authorization for surface transportation programs. After a brief summary, we address each provision, and its impact on transportation and highway safety funding in Alaska, individually. We consolidate the data in Table One.

## SUMMARY

In order to encourage states to adopt and enforce specific anti-drunk driving laws, Congress authorized two incentive grant programs and two transfer provisions as part of the Transportation Equity Act for the 21st Century (TEA-21) in 1998.<sup>1</sup> These provisions are in effect from federal fiscal year 1998 through 2003. More recently, President Clinton signed into law a sanction provision to take effect in federal fiscal year 2004, for states that fail to adopt and enforce a 0.08 percent blood alcohol concentration (BAC) standard by that time.

Under the two incentive programs authorized by TEA-21, grant funds are available to states that have enacted specific drunk driving countermeasures (Section 410) and to states that have enacted a 0.08 percent BAC standard (Section 163). The countermeasures incentive under Section 410—with different eligibility criteria—was available under ISTEA, the predecessor of TEA-21. Alaska qualified for funding under the ISTEA version of the program, and because of a delayed effective date, received approximately \$200,500 during 1998. With the change in requirements, however, the state no longer qualifies, and as a result, "lost" approximately \$127,000 in 1999. Section 410 is a broad program with numerous eligibility requirements and several variables in the funding formula. According to Mary Moran, director of the state's highway safety program, qualification demands more staff resources than are presently available. Thus, even if the state were to qualify, she would not apply with the program's current staffing level.

Potential funding under the Section 163 incentive program is significantly more substantial than that available under Section 410. Because Alaska has not implemented the 0.08 BAC standard needed to qualify for funding under this section, since 1998, the state has foregone approximately \$2.3 million that could have been used for any transportation project eligible for federal assistance. The state will continue to "lose" approximately \$700,000 to \$800,000 during each year through 2003 unless lawmakers choose to lower the BAC from 0.10 percent to 0.08.

The transfer provisions require states to implement specific provisions regarding open containers (Section 154) and minimum penalties for repeat offenders (Section 164) by October of 2000. Because Alaska's laws do not conform precisely to the federal requirements of either provision, 1.5 percent of the state's highway construction funds will be transferred to the highway safety program for each of the provisions during FY 2001—a combined total of approximately \$5.2 million. Another 1.5 percent for each provision will be transferred for fiscal year 2002 if the state has not complied with the federal requirements; the transferred amounts double to three percent for each provision during fiscal year 2003 and each year thereafter that the state has not complied.

Lastly, beginning with federal fiscal year 2004, the U.S. Department of Transportation will begin to withhold a percentage of the highway funds apportioned to states that continue to resist implementing the 0.08 BAC standard for *per se* DWI (Section 163[a]). According to federal estimates, if Alaska has not implemented such a standard by FY 2004, the state will lose 2

---

<sup>1</sup> The Transportation Equity Act for the 21st Century (TEA-21), enacted June 9, 1998, as Public Law 105-178, authorized federal surface transportation programs for the six-year period of 1998-2003. The Act reauthorized existing National Highway Traffic Safety Administration programs, including the DWI countermeasures incentive grant program under Section 410. Additionally, TEA-21 created the incentive grant program for 0.08 BAC under Section 163. The TEA-21 conferees also agreed upon two provisions for transfer of a portion of a state's highway construction funds to its highway safety program if the state fails to establish and enforce minimum penalties for repeat drunk driving (Section 164) and for open containers in the passenger compartment of a vehicle (Section 154). These two initiatives, omitted from the conference report, were restored to TEA-21 by the TEA-21 Restoration Act, on July 22, 1998, as Public Law 105-206.

percent, or approximately \$3.6 million of its 2004 funding. The annual penalty would rise by an additional 2 percent each year to an estimated \$14.3 million by FY 2007. States that implement the standard before the end of FY 2007, however, will recover the withheld funding.

**INCENTIVE GRANT—ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES  
(SECTION 410)**

As part of the Transportation Equity Act for the 21<sup>st</sup> Century, Congress authorized approximately \$220 million for grants under Section 410, to encourage states to adopt and implement programs to reduce traffic safety problems resulting from individuals driving under the influence of alcohol.<sup>2</sup> The program includes two basic grant options. States may qualify for both basic grants, and those that qualify for either can also apply for supplemental grants.

The Section 410 program was in place under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Congress reauthorized the program with TEA-21 but amended the eligibility requirements and delayed the effective date until FY 1999. According to Mary Moran, director of the Alaska Highway Safety Office, the amendments, to a large extent, reversed the eligibility requirements for the basic and the supplemental grants. As a result, although Alaska qualified under ISTEA, the state no longer does so.

Prior to the eligibility change, Alaska qualified for basic grant funding because criteria such as videotaping of drunk drivers by police, an on-going DWI-prevention program, and the use of passive alcohol sensors (breath tests) by police were in place. Because the shift did not become effective until 1999, Alaska received approximately \$200,500 during 1998. Since the shift, however, those criteria pertain to the supplemental grants, rather than to the basic ones. Because a state must qualify for a basic grant to apply for a supplemental grant, Alaska is currently ineligible for all Section 410 funding. Had Alaska qualified, the state would have received approximately \$127,000 in 1999 to support anti-drunk driving programs. Because of the high number of variables involved in Section 410 funding, Ms. Moran is unable to estimate the amount that Alaska "lost" in 2000. Specific details of the current Section 410 program follow.<sup>3</sup>

Section 410 Eligibility. States have two options for qualifying for the basic Section 410 grant funding. States that qualify for a basic grant may apply for supplemental grants:

Basic Grant A—implement at least 5 of the following 7 criteria:

- ◆ Administrative license revocation;
- ◆ A program to prevent drivers under age 21 from obtaining alcoholic beverages;
- ◆ A program for intensive impaired driving law enforcement;

---

<sup>2</sup> 23 USC 410. Alcohol-Impaired Driving Countermeasures.

<sup>3</sup> Federal Highway Administration, "TEA-21 Fact Sheet: Alcohol-Impaired Driving Countermeasures Incentive Grants," September 14, 1998; available at [http://www.fhwa.dot.gov/tea21/factsheets/n\\_410.htm](http://www.fhwa.dot.gov/tea21/factsheets/n_410.htm) (accessed 10/10/2000).

- ◆ A graduated licensing law with nighttime driving restrictions and zero tolerance;
- ◆ A program to target drivers with high BAC;
- ◆ Young adult drinking programs to reduce impaired driving by individuals age 21 through 34;
- ◆ An effective system for increasing the rate for BAC of drivers in fatal accidents—beginning in FY2001, the testing rate must be above the national average.

Basic Grant B—demonstrate both of the following:

- ◆ A reduction in the percentage of fatally injured drivers with 0.10 BAC or greater, in each of the last 3 years; and
- ◆ A percentage of fatally injured drivers with 0.10 BAC or greater that is lower than the national average for each of the last 3 years.

Supplemental Grants—implement any of the following:

- ◆ Videotaping of drunk drivers by police;
- ◆ A self-sustaining impaired driving prevention program;
- ◆ Laws to reduce driving with suspended license;
- ◆ Use of passive alcohol sensors by police;
- ◆ Effective system for tracking information on drunk drivers;
- ◆ Other innovative programs.

Distribution of Funds: Beginning in FY 1999, qualifying states receive up to 25% of their FY 1997 Section 402 apportionment for each basic grant; supplemental grants may not exceed 10% of funding made available for Section 410.

Program Administration: The federal share for Section 410 shall not exceed 75% in the 1<sup>st</sup> and 2<sup>nd</sup> years in which a state receives a grant, 50% in the 3<sup>rd</sup> and 4<sup>th</sup> years, and 25% in the 5<sup>th</sup> and 6<sup>th</sup> years. States may use Section 410 grant funds only to implement and enforce impaired driving programs.

At present, Alaska meets at least two of the seven program criteria for basic grant A. The state must meet at least five in order to qualify for funding. According to Ms. Moran, Alaska's eligibility in regard to some criteria is debatable: the state might qualify, for example, in regard to programs for reducing alcohol-impaired driving by young adults. Similarly, the state might qualify in regard to the rate of BAC testing of drivers involved in fatal crashes if the rate is above the national

average.<sup>4</sup> Alaska's DWI countermeasures scheme does not qualify in regard to the following basic grant A criteria:

*Administrative license revocation.* Alaska qualified in regard to this criterion until state lawmakers reduced the duration of license revocation for minors driving after consuming alcohol from 90 days, one year, and three years for first, second, and third or subsequent revocations to 30 days, 60 days, 90 days, and one year for first, second, third, and fourth or subsequent revocations, respectively.<sup>5</sup> Although other provisions still qualify, the revocation scheme as a whole now does not.

*Graduated licensing law with nighttime restrictions and zero tolerance.* Although the state has a graduated licensing system in place and an absolute zero tolerance law (rather than the federally required 0.02 BAC), Alaska's system does not satisfy the federal requirements in the following ways:

- ◆ Program eligibility requires that all occupants must be properly restrained. Alaska law refers only to proper restraint of children under the age of 16.<sup>6</sup>
- ◆ Program eligibility requires that, absent a state-approved exception, a person authorized to drive under a learner's permit or an intermediate driver's license may not drive during some period of the night unless a licensed driver who is 21 years of age or older is in the vehicle. Alaska law has no nighttime restriction.<sup>7</sup>
- ◆ Program eligibility requires that holders of learner's permits and intermediate licenses must remain crash and conviction free. In addition to the revocation provisions noted above, Alaska law addresses license revocation for minors between the ages of 13 and 17 who are convicted of or adjudicated as delinquent for misconduct involving a controlled substance, or for offenses involving the illegal use or possession of a firearm.<sup>8</sup>

*Program targeting drivers with high BAC* (a system of graduated sanctions for DWI offenders with higher than average BAC).

In regard to basic grant B, according to Ms. Moran, the state is close to qualifying for both criteria. She notes, however, that applying for and monitoring either of the Section 410 grant possibilities require a substantial amount of effort. Even if the state could qualify today, she concludes, she would not apply because she lacks sufficient staff to handle the paperwork.

---

<sup>4</sup> Testing the BAC of all drivers involved in crashes that result in fatalities—regardless of whether the drivers survive—would provide highly useful data, according to Ms. Moran.

<sup>5</sup> AS 28.15.183(d), Administrative Revocation of License to Drive; changed by Chapter 88, SLA 1999.

<sup>6</sup> AS 28.05.095, Use of Seat Belt and Child Safety Devices Required.

<sup>7</sup> AS 28.15.051-055, Instruction Permits and Provisional Driver's License.

<sup>8</sup> AS 28.15.185, Court Revocation of a Minor's License to Drive.

## INCENTIVE GRANT—0.08 BAC (SECTION 163)

Along with the reauthorization of Section 410 funding, Congress authorized a new incentive program under Section 163.<sup>9</sup> Section 163 provides a total of \$500 million in incentive grant funds for states that enact and enforce laws providing that any person with a BAC of 0.08 percent or greater while operating a motor vehicle will be deemed to have committed a *per se* offense of driving while intoxicated. These funds may be used for highway safety or highway construction—any project eligible for assistance under Title 23 U.S.C. No matching state dollars are required. Program particulars follow.<sup>10</sup>

*Section 163 Eligibility:* Any state that has in effect and is enforcing a 0.08 BAC law, before the end of the fiscal year, is eligible to receive incentive funds for that fiscal year. To be eligible, a state's law must meet six basic elements:

- ◆ It must apply to all drivers;
- ◆ It must set a BAC level of no more than 0.08;
- ◆ It must establish driving at 0.08 BAC as an offense that is illegal *per se*;
- ◆ It must provide for primary enforcement of the law (rather than requiring probable cause that another violation has been committed before allowing enforcement of the 0.08 BAC law);
- ◆ It must apply to the criminal code and, in states with administrative license revocation (ALR) laws, to the ALR law as well; and
- ◆ It must be deemed to be equivalent to the state's standard DWI offense.

*Distribution of Funds:* Available funding each year is apportioned among all eligible states. According to the Section 402 formula—

- ◆ 75 % based on the ratio of the state's population in the latest federal census to the total population in all states.
- ◆ 25 % based on the ratio of the public road miles in the state to the total public road miles in all states.

The apportionment to each state is no less than one-half of one percent.

*Program Administration:* The federal share of a project funded under Section 163 is 100 percent. States may use Section 163 grant funds for any project eligible for federal funding under Title 23.

---

<sup>9</sup> 23 USC 163, Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons.

<sup>10</sup> Federal Highway Administration, "TEA-21 Fact Sheet: Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons," September 14, 1998; available at [http://www.fhwa.dot.gov/tea21/factsheets/n\\_163.htm](http://www.fhwa.dot.gov/tea21/factsheets/n_163.htm) (accessed 10/10/2000).

Because Alaska's BAC standard is 0.10 percent, Alaska has not qualified for Section 163 incentive funding. Had Alaska lawmakers lowered the BAC limit to 0.08 and had that law been in effect before the end of 1998, Alaska would have received approximately \$762,500 for that year. Had the state qualified in 1999 or 2000, the funding received would have been approximately the same. As Ms. Moran notes, although federal authorization for the program has increased slightly each year, the number of states that qualify has also increased. Nevertheless, at this point, the state has foregone roughly \$2.3 million in funding that could have been used for any project eligible for assistance under Title 23. If the state certifies with the U.S. Department of Transportation before the end of September, 2001, that Alaska has enacted and is enforcing a conforming law, Alaska could receive an estimated \$700,000 to \$800,000 a year in Section 163 funds for federal fiscal years 2001 through 2003.<sup>11</sup>

### TRANSFER PROGRAMS—OPEN CONTAINER (SECTIONS 154) AND REPEAT OFFENDER (SECTION 164)

In addition to the incentive funding programs, Congress authorized two new programs in which a percentage of a state's highway construction funds (National Highway System, Surface Transportation Program, and Interstate Maintenance) will be transferred to its highway safety program if that state has not enacted or does not enforce specific provisions to counter alcohol-impaired driving by October 1, 2000.<sup>12</sup> These programs have identical funding consequences. The penalty for each is transfer of 1.5 percent of a state's construction funds for FY 2001 and 2002, and 3 percent for each year thereafter. The funds transferred to the safety program must be used for alcohol-impaired driving countermeasures, for DWI law enforcement, or for hazard elimination programs. Projects funded with the transferred funds do not require state matching funds.

---

#### SECTION 154—OPEN CONTAINER REQUIREMENTS

---

For the purposes of Section 154, a state must have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle on a public highway or the right-of-way of a public highway in the state.<sup>13</sup>

U.S. Department of Transportation officials deem Alaska's open container law as nonconforming because of ambiguous wording in regard to motor cycles. The problematic portion of AS 28.35.029 reads as follows:

(b) . . . a person may transport an open bottle, can or other receptacle containing an alcoholic beverage

---

<sup>11</sup> Mary Moran, director, Alaska Highway Safety Office, (907) 465-4374.

<sup>12</sup> 23 USC 154. Open Container Requirements; and 23 USC 164. Minimum Penalties for Repeat Offenders for DWI or DUI.

<sup>13</sup> Federal Highway Administration, "TEA-21 Fact Sheet: Open Container Requirements," September 14, 1998; available at [http://www.fhwa.dot.gov/tea21/factsheets/n\\_154.htm](http://www.fhwa.dot.gov/tea21/factsheets/n_154.htm) (accessed 10/25/2000).

(1) in the trunk of a motor vehicle;

(2) on a motor driven cycle, or behind the last upright seat in a motor home, station wagon, hatchback, or similar trunkless vehicle, if the open bottle, can, or other receptacle is enclosed within another container . . . .

State officials have attempted to persuade federal officials that the provision was intended to mean—and is enforced as meaning—that a person may transport an open bottle on a motor cycle only if it is enclosed within another container. Federal officials maintain, however, that the provision could be interpreted to mean that a person may transport an open bottle on a motor cycle. Under this view, the phrase "if the open bottle . . . is enclosed . ." could have been intended—and could be interpreted—to refer to "motor home, station wagon, hatchback, or similar trunkless vehicle" without also referring to "motor cycle." As a result, federal officials conclude that Alaska law does not meet Section 154 requirements.

---

### SECTION 164—MINIMUM PENALTIES FOR REPEAT DWI OFFENDERS

---

To meet the requirements of Section 164, a state must have in effect a law that provides, as a minimum penalty, that an individual convicted of a second or subsequent DWI offense shall be subject to the following penalties.<sup>14</sup>

- ◆ License suspension for not less than one year;
- ◆ Impoundment or immobilization of each of the individual's motor vehicles, or installation of an ignition interlock system on each of the individual's motor vehicles;
- ◆ Assessment of the individual's degree of alcohol abuse and treatment as appropriate; and
- ◆ Receiving, for a 2<sup>nd</sup> offense, assignment of not less than 30 days community service, or not less than 5 days imprisonment; and for a 3<sup>rd</sup> or subsequent offense, an assignment of not less than 60 days of community service, or not less than 10 days imprisonment.

Alaska's statutory provisions meet Section 164 requirements except in regard to impoundment and immobilization of a repeat offender's vehicles and the installation of ignition interlock devices. Alaska law provides that the state may order the forfeiture of a vehicle involved in a DWI offense, but forfeiture is not mandatory, and it applies only in third or subsequent offenses. Further, the sanction applies only to the vehicle used in the offense, rather than to all vehicles owned by the offender.<sup>15</sup> As with vehicle forfeiture, the installation of ignition interlock devices is authorized but not mandatory and would not be required in all vehicles owned by an offender. Additionally, installation of such devices applies only in cases wherein the offender receives probation.<sup>16</sup>

---

<sup>14</sup> Federal Highway Administration, "TEA-21 Fact Sheet: Minimum Penalties for Repeat Offenders for DWI or DUI," September 14, 1998; available at [http://www.fhwa.dot.gov/tea21/factsheets/n\\_164.htm](http://www.fhwa.dot.gov/tea21/factsheets/n_164.htm) (accessed 10/10/2000).

<sup>15</sup> AS 28.35.036, Forfeiture of Vehicle or Aircraft.

<sup>16</sup> AS 12.55.102, Alcohol Related Offenses.

As noted earlier, in order to avoid transfer of highway construction funds, states must have met the requirements by October 1, 2000, the beginning of federal fiscal year 2001. As a result of not meeting the requirements for Sections 154 and 164, a total of approximately \$5.2 million in funds that would have gone for highway construction in Alaska will be transferred to the state's safety program. The same percentage will be transferred for fiscal year 2002 if the state has not complied with the federal provisions; the transferred amounts double to three percent for fiscal years 2003 and each year thereafter that the state has not complied.

SANCTION--0.08 BAC [SECTION 163(A)]

As you know, on October 23, 2000, President Clinton signed into law a national standard for drunk driving. The act requires states to implement laws providing that any person driving with a blood alcohol concentration of 0.08 percent or greater is deemed to have committed a *per se* offense of driving while intoxicated. Currently, 31 states, including Alaska, define *per se* drunken driving at 0.10 percent BAC.

Under the act, states have until October 1, 2003, to pass a 0.08 BAC *per se* law. Those that do not will face the withholding of 2 percent of their highway construction funds in federal fiscal year 2004, with the penalty increasing by an additional 2 percent each year for a total of 8 percent in FY 2007. States that implement the standard by 2007 will recoup the withheld funding. Based on estimated FY 2003 apportionments, the U.S. Department of Transportation foresees the possibility of up to approximately \$36 million withheld from Alaska by the end of FY 2007 if the state does not pass a conforming BAC law.

We consolidate data and information on each of the TEA-21 alcohol-related programs—incentives, transfers, and sanctions—in Table One, "Federal Highway Funding and Alcohol Related Program."

---

I hope this information is useful to you. Please do not hesitate to contact us if you have questions or need additional information.

## Table One: Federal Highway Funding and Alcohol-Related Programs

(dollars in thousands)

Programs	Fiscal Year						Comments
	1998	1999	2000	2001	2002	2003	
Section 410 DWI Countermeasures Incentive Grants	200 <sup>(a)</sup>	127 <sup>(b)</sup>	no estimate	no estimate	no estimate	no estimate	Congress amended eligibility requirements beginning in FY 1999; as a result, Alaska no longer qualifies. The federal share decreases from 75% in the 1st and 2nd years a state receives a Section 410 grant, to 50% in the 3rd and 4th years, and 25% in the 5th and 6th years. States may use Section 410 grant funds only to implement and enforce impaired driving programs.
Section 163 0.08 BAC Incentive Grants	762 <sup>(b)</sup>	762 <sup>(b)</sup>	762 <sup>(b)</sup>	700-800 <sup>(c)</sup>	700-800 <sup>(c)</sup>	700-800 <sup>(c)</sup>	As a result of not having a 0.08 BAC law in effect, Alaska has forgone approximately \$2.3 million in Section 163 grant funds between FY 1998 and FY 2000. A similar amount could be gained or forgone through FY 2003. States may use Section 163 funds for any project eligible for federal assistance under Title 23.
Section 154 Open Container Transfer	not applicable	not applicable	not applicable	2,581 <sup>(d)</sup>	2,581 <sup>(e)</sup>	5,162 <sup>(e)</sup>	Federal officials deem Alaska's open container law to be nonconforming because of ambiguous wording. On October 1, 2000, therefore, an amount equal to 1.5% of the funds apportioned to Alaska for NHS, STP, and IM is to be transferred to the Highway Safety Program. As similar amount will be transferred if the state's law does not conform at the beginning of federal FY 2002; the transferred amount increases to 3% for FY 2003 and thereafter. Section 154 transferred funds must be used for DWI countermeasures, enforcement of DWI and related laws, or for hazard elimination.
Section 164 Repeat Offender Transfer	not applicable	not applicable	not applicable	2,581 <sup>(d)</sup>	2,581 <sup>(e)</sup>	5,162 <sup>(e)</sup>	Alaska's minimum penalties for repeat DWI offenders does not comply with federal requirements because forfeiture of vehicles or the installation of ignition interlock devices is not mandatory and because such provisions do not apply to all vehicles owned by the offender. Transfer of funds is identical to that under Section 154--1.5% of NHS, STP, and IM funding for states out of compliance in FY 2001 and FY 2002; 3% thereafter. Section 164 transferred funds must be used for alcohol-impaired driving countermeasures or enforcement of DWI and related laws.
	Fiscal Year						Comments
	2004	2005	2006	2007	2008	2009	
Section 163(a) Sanction	1,581 <sup>(f)</sup>	7,162 <sup>(f)</sup>	10,743 <sup>(f)</sup>	14,324 <sup>(f)</sup>	14,324 <sup>(f)</sup>	14,324 <sup>(f)</sup>	States that have not complied with the 0.08 BAC standard by October 1, 2003, will have 2% of their federal apportionment withheld. The withheld amount will increase by 2% each year until reaching 8% for FY 2007 and thereafter. States that implement a conforming law before the end of FY 2007 will recoup the withheld funds.

**Notes and Sources:**

- (a) Funding Alaska received. National Highway Safety Administration, "FY 1998 Section 410 Grant"; available at [http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/410\\$98.html](http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/410$98.html) (accessed 11/17/2000).
- (b) Funding Alaska did not receive. Estimate provided by Mary Moran, director, Alaska Highway Safety Office, (907) 465-4374.
- (c) Funding Alaska could receive if laws conforming to federal requirements are enacted and enforced. Estimate provided by Mary Moran.
- (d) Funding already transferred from highway construction (National Highway System, Surface Transportation Program, and Interstate Maintenance) to the Alaska Highway Safety Office. Federal Highway Administration, "Transfers Pursuant to 23 USC 154 (Open Container Requirements)"; available at <http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/154.html> and <http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/164.html> (accessed 11/26/2000).
- (e) Funding that will be transferred from highway construction to the Alaska Highway Safety Office unless laws conforming to federal requirements are enacted and enforced. Estimates provided by Mary Moran.
- (f) Funding that will be withheld from Alaska's highway apportionment if the state does not have a 0.08 BAC law in force by October 1, 2003; based on estimated FY 2003 apportionment, after distribution of minimum guarantee funds, and calculating penalties of 2% in FY 2004, and an additional 2% each year up to 8% in FY 2007 and thereafter. Withheld funding can be recouped if the state passes a conforming law by the end of FY 2007. Federal Highway Administration, "Annual Core Apportionments and Potential Penalties Under Sec. 163(a) for FY 2004 and Thereafter"; available at [http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/083\\_SANCTION.html](http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/tea21programs/083_SANCTION.html) (accessed 11/9/2000).

## Responses to Statements Regarding .08 BAC Laws

Statement: Most state legislatures have looked at the research evidence and have concluded that .08 laws are not effective. In New Jersey, for example, a Task Force concluded that there is no evidence that .08 laws result in reductions in alcohol-related fatalities.

Response: The research with regard to the effectiveness of .08 BAC laws is consistent and persuasive. At least eight studies have indicated that these laws are associated with reductions in alcohol-related crashes, fatalities, and injuries, particularly in conjunction with administrative license revocation (ALR) laws.

The New Jersey Task Force reviewed only four early studies of the effects of .08 BAC laws and concluded that the results were "mixed." Since that time, four additional comprehensive studies have been conducted. Together with the four original studies, these studies provide consistent and even more persuasive evidence of the effectiveness of .08 BAC laws, both alone and in conjunction with other laws and activities.

A 1999 GAO review of seven of these eight studies concluded that there are "*strong indications that .08 BAC laws in combination with other drunk driving laws ... can save lives*" (p2). GAO also stated that "*.. we and DOT reach essentially the same conclusion regarding the effectiveness of .08 BAC laws, both by themselves and in combination with other measures*" (p24).

While the studies of effectiveness have been persuasive, effectiveness is not the primary basis for supporting a .08 BAC law. **The primary reasons for supporting such a law are that, at .08 BAC, virtually everyone is impaired in important skills related to driving and their risk of being involved in a fatal crash is greatly increased.** Several states have recognized this. In New Mexico, for example, a State Task Force carefully reviewed only the evidence of impairment and crash risk at .08 BAC. Following this review, New Mexico chose to enact a .08 BAC law.

Statement: The Government Accounting Office (GAO) has recently conducted a critical review of the .08 studies and has concluded that these laws are not effective in reducing alcohol-related fatalities.

Response: This statement is not correct! The GAO report stated that there are "*strong indications that .08 BAC laws in combination with other drunk driving laws (particularly license revocation laws), sustained public education and information efforts, and vigorous and consistent enforcement can save lives*" (p2).

Statement: The GAO study concluded that "the evidence does not conclusively establish that

.08 laws, by themselves, result in reductions in the number and severity of alcohol-related crashes.

Response: No research is ever conclusive in an "unequivocal" sense. Neither are laws ever implemented "by themselves." The combination of strong laws, highly visible enforcement, and strong public information is the key to reducing alcohol-related fatalities. NHTSA has maintained that the evidence of the effectiveness of .08 BAC laws is consistent and persuasive, particularly in conjunction with the administrative license revocation (ALR) laws, already enacted in 40 states.

The GAO report confirms this relationship and further states that *"although we characterize the strength of the study results differently, we and DOT reach essentially the same conclusion regarding the effectiveness of .08 BAC laws, both by themselves and in combination with other measures"* (p24).

Statement: We keep hearing that enactment of .08 BAC laws in all states would result in 500 lives being saved every year. The GAO report looked at the study that made this estimate and found it to be groundless.

Response: At the time of the GAO study, two studies had independently formulated estimates of lives saved. A Boston University study estimated that 500-600 additional lives would be saved if all states adopted .08 BAC laws. An NHTSA (50-state) study used a more detailed analysis and estimated that 590 lives would be saved -- a very similar estimate. While GAO criticized the Boston University Study for not describing how it arrived at its estimate, GAO did not criticize the elaborate and detailed methodology of the NHTSA 50-state study.

Further, a new Boston University study was recently published. This study evaluated the effectiveness of .08 BAC laws enacted in six states in 1993 and 1994 and concluded that, overall, these states experienced a 5-6 percent greater decline in measures of alcohol-related crashes, compared with six nearby states that did not lower their BAC limits. This study estimated that, if all states adopted a .08 BAC law, 400-500 fewer fatalities would occur annually.

Advocates of .08 BAC laws have used the mid-point of these three estimates and have projected that, if all states were to adopt .08 BAC laws, an additional 500 lives would be saved each year. This estimate of 500 lives saved is well within the confidence boundaries of all of the estimates made to date.

Statement: .08 BAC laws make criminals out of normal social drinkers.

Response: Impairment and crash risk are the issues - not how many drinks it may take to get to .08 BAC. Scores of studies have been conducted which indicate that, at .08 BAC virtually everyone is impaired in important skills related to driving and that, at that level, the risk of being involved in a fatal crash is many times greater than at .00 BAC.

Statement: ".08 BAC legislation will not affect problem drinker drivers who have high BAC levels."

Response: The research shows that .08 laws not only reduce the incidence of impaired driving at lower BACs, they also reduce the incidence of impaired driving at higher BACs (i.e., over .10). A .08 law serves as a general deterrent to drinking and driving. It sends a message that the state is getting tougher on impaired driving, and it makes many people think twice about getting behind the wheel after they've had too much to drink. A .08 BAC law is a key component of an overall program to reduce impaired driving. While problem drinkers do account for a significant part of the problem, most fatally injured drinking drivers (70-80%) have no prior alcohol-related offenses.

A comprehensive anti-DWI program must use all available laws and programs to reduce fatalities.

Statement: ".08 is just the first step toward even lower BACs and eventually another attempt at prohibition."

Response: The notion that safety organizations seek a return to prohibition is unfounded. Although there is strong research evidence that driving-related skills begin to deteriorate below .08 BAC, most safety advocates have adopted .08 BAC as a reasonable and acceptable compromise that will save lives, prevent injuries and reduce costs to society.

**US DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
ANNUAL CORE APPORTIONMENTS AND POTENTIAL PENALTIES UNDER SEC. 163(a)  
FOR FY 2004 AND THEREAFTER\*  
(Assuming Various Rates of Penalty)**

<u>State</u>	<u>IM / STP / NHS Total</u>	<u>.08 BAC adopted as Legal Standard</u>	<u>2% Penalty</u>	<u>4% Penalty</u>	<u>6% Penalty</u>	<u>8% Penalty</u>
<b>Alaska</b>	<b>179,048,339</b>	-	<b>3,580,967</b>	<b>7,161,934</b>	<b>10,742,900</b>	<b>14,323,867</b>
<b>Washington</b>	297,631,829	X	0	0	0	0
<b>Oregon</b>	221,819,579	X	0	0	0	0
<b>Idaho</b>	140,668,319	X	0	0	0	0
<b>Wyoming</b>	156,383,521	-	3,127,670	6,255,341	9,383,011	12,510,682

- Based on estimated FY 2003 apportionments, after distribution of Minimum Guarantee funds



**CITY OF FAIRBANKS**  
*Office of the City Attorney*  
800 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701-4615  
OFFICE: 907-459-6750  
FAX: 907-459-6761

February 26, 2001



Cindy @ MADD  
via fax @ 463-2539

Re: City of Fairbanks DWI Forfeiture Program

Dear Cindy:

Per your request, I am glad to provide statistical data regarding the DWI forfeiture program in Fairbanks. To better understand the program, please feel free to review Article XXII, Motor Vehicle Impoundment and Forfeiture, Sections 78-961 through 78-977, of the Fairbanks City Ordinance at <http://www.municode.com> by selecting (1) "on-line library," (2) "Alaska" as the state of choice, and (3) "Fairbanks Code of Ordinances."

Since inception of the program the second week of May 1998 (nearly 34 months), to date the City has processed 902 DWI-impounded vehicles. The program has been very effective for the City of Fairbanks in that it pays for itself by assessing a \$200.00 administrative processing fee.

Of the 902 vehicles, (a) 375 were released to registered owners or lienholders as innocent parties without 30-day impoundment, (b) 389 were held for 30-day impoundment and released, (c) 51 were abandoned by the registered owner following the 30-day impoundment thus becoming the property of the towing company for unpaid fees, (d) 3 were retained by the Fairbanks Police Department for undercover work, (e) 71 were forfeited and subsequently sold at auction, and (f) 13 are pending forfeiture sale at the next auction.

Additionally, in 2000 I made a comparison of the Alaska State Trooper and Fairbanks Police Department DWI arrests for the Fairbanks-area vicinity; the ASTs arresting almost half again that of the FPD. If you need further information or if I can expand on reading of the ordinance, please feel free to contact me at 459-6750.

Sincerely,

OFFICE OF THE CITY ATTORNEY

A handwritten signature in cursive script, appearing to read "Connie L. Martin".

Connie L. Martin, CLA  
Legal Assistant/DWI Administrator

cc: Lt. Dunnigan  
Alaska State Troopers  
Anchorage (via fax 269-5033)



ROBERT K. PETITT, CHIEF

# Bethel Police Department

P. O. Box 500, Bethel AK 99559  
(907) 543-3781 Fax (907) 543-5086



March 7, 2001

Cindy Cashen  
MADD Juncau Chapter  
211 4<sup>th</sup> Street, Suite 102  
Juneau, Alaska 99801

Dear Mrs. Cashen:

I write this letter in support of House Bill 4's proposal of vehicle forfeiture. I believe that the City of Bethel can operate in a sound, feasible manner by using a flexible method of confiscating drunk driver's vehicles.

Using the "boot" as a method of preventing the drunk driver from continuing to operate the vehicle used in the crime of drunk driving is a method I believe would cut a major cost of vehicle forfeiture. The offender would pay an administrative fee to cover any necessary paperwork needed to implement this part of the sentence and would have the boot removed upon completion of sentencing. It would not be necessary to hire space to hold vehicles and any towing would be charged to the offender.

The implementation of this proposal would make a big difference in removing drunk drivers off Alaska's roads and send a message to those who drink to not drive and those who drive to not drink. I feel the cost of this program would be minimal if any at all.

Sincerely,

Robert K. Petitt  
Chief of Police

cc: file

# Nenana Police Services

P.O. Box 70  
Nenana, Alaska 99760  
Milton J. Haken, Chief of Police  
E-Mail: [nps@mtaonline.net](mailto:nps@mtaonline.net)  
Cell # (907) 322-7875  
Work Phone and Message: (907) 832-5448  
Fax: (907) 832-5425



181st Session

February 26, 2001

To Whom It May Concern,

I am writing this letter in support of House Bill 4's proposal of vehicle forfeiture. Currently the City of Nenana, as most communities, are seeing a number of repeat DWI offenders. The forfeiture or "the boot" is a sound, and feasible intervention and deterrence to preventing the drunk driver from continuing to operate a motor vehicle after drinking.

Currently, when we impound a vehicle for DWI or any other offense, the owner of the vehicle pays for all costs associated with the impound, including storage. It is literally between the wrecker agency and the owner, thus relieving the City of any costs associated with the impound and storage. Having the flexibility to confiscate and forfeit the vehicle will enable the City to recover some of the enforcement costs associated with taking these folks off the highway.

I believe this will send a message of deterrence to those who drink to not drive, and those who drive to not drink, making a big difference in removing drunk drivers off Alaska's roads. I feel the cost would be minimal if any at all, except for the person responsible for the incident and their actions.

Respectfully yours,

Milton J. Haken  
Chief of Police  
NA 181<sup>st</sup> Session



Previous Document

Search Results

Next Document

Search text: Glaser  
Collection: ken\_2000 7/27

Powered By

Web posted Friday, April 21, 2000

## Two die in 2-car wreck

By McKIBBEN JACKINSKY  
Peninsula Clarion

A two-vehicle accident at Mile 37.5 of the Seward Highway, just north of the Sterling Highway cutoff, claimed the lives of two men and injured two others on Wednesday.

Killed were Martin John Richard, 50, and Ladd E. Macaulay, 57, both of Juneau.

Injured were Steven Gregory McGee, 49, also of Juneau, and Michael J. Glaser, 43, of Crown Point.

Alaska State Troopers reported that shortly after 4 p.m., Glaser was driving an older model Chevrolet crew cab southbound on the Seward Highway. The pickup crossed the center line, striking a northbound Toyota Camry head on.

The pickup then rolled on its side, trapping Glaser, the sole occupant.

The Toyota, a rental vehicle, hit the side of the surrounding mountain, trapping the three occupants, Richard, Macaulay and McGee.

Richard, who had been driving the Toyota, and Macaulay, the backseat passenger, were pronounced dead at the scene.

McGee and Glaser were transported to Central Peninsula General Hospital.

Richard had served as director of Alaska's Division of Investments since 1986 and was a 21-year state employee. He was married to Barbara J. "Jill" Richard, a nurse. The two had no children.

Macaulay was a loan officer with the Division of Investments and previously served as director of the Douglas Island Pink and Chum fish hatchery in the Juneau area.

He is survived by his wife, Linda, a state employee, and two sons and two daughters.

According to a press release from Gov. Tony Knowles, Martin, Macaulay and McGee had been inspecting hatcheries on the Kenai Peninsula. They were returning to Anchorage at the time of the accident.

McGee, a biologist, has been with Alaska's Department of Fish and Game for 17 years. His wife, Bonnie, is a teacher at Floyd Dryden Middle School in Juneau. They have two children.

Bonnie Nichols, a spokesperson for Central Peninsula General Hospital, reported that McGee had suffered broken facial bones, contusions and bruises. Information on Glaser's injuries was unavailable.

Nichols said both McGee and Glaser were in fair condition.

"We reach out with our sympathies and condolences to the family and friends of Martin Richard and Ladd Macaulay, two dedicated state employees who enriched the state through their public service, their commitment to their families, their love of Alaska, and numerous other personal contributions," said Knowles in a press release on Thursday. He ordered state flags be lowered to half-staff.

Rep. Gail Phillips, R-Homer, worked with Richard on financing issues for limited entry fishery programs and boat loans.

"The state of Alaska suffered a tragedy ... with the senseless loss of two longtime, well-respected state employees," said Phillips. "(Their deaths) will have a profound impact on the Department of Commerce.

"My deepest sympathy and condolences go to both families and friends," Phillips said. "Our prayers and hopes are for the speedy recovery for Fish and Game employee Steven McGee, who was also seriously injured in this tragedy."

Sen. Jerry Ward, R-Anchorage, said the Senate remembered Richard and Macaulay with a moment of silence on Thursday.

"Everybody is really quite devastated about this," said Ward. "My prayers and wishes go out to (their families)."

Greg Wilkinson, information officer for the Alaska State Troopers, said alcohol is being investigated as a contributing factor of the accident. The troopers are asking for anyone who may have witnessed either the pickup truck or the Toyota to contact the troopers in Soldotna, at 262-4453, or Seward, at 224-3346.

The Chevrolet crew cab was described by Wilkinson as yellow, but rusty

and dirty. **Glaser**, the driver of the pickup, may have picked up a hitchhiker at some point on his drive. Troopers would like to contact that person, as well.

Wilkinson described the Toyota Camry as a late model four-door, brown in color.

Discuss this story in our Discussion Forum

**E-mail this story to a friend**



Comments or questions? Contact the web master at [Peninsula Clarion](#)

Copyrighted by Peninsula Clarion, a Division of Morris Communications  
[Privacy and terms of use.](#)

---

Search text: **Glaser**  
7/27

[Previous Document](#) | [Search Results](#) | [Next Document](#)

---



Powered By

Web posted **Tuesday, May 2, 2000**

## Troopers arrest man charged in double-fatal accident

ANCHORAGE (AP) -- Alaska State Troopers on Monday arrested a man charged with two counts of second-degree murder resulting from an accident on the Seward Highway.

Michael J. Glaser, 43, is charged with the deaths of Martin John Richard, 50, of Juneau, and Ladd E. Macaulay, 57, of Juneau. He also is charged with one count of assault for causing injuries to Steven Gregory McGee, 49, of Juneau.

An investigation determined that Glaser's blood alcohol following the April 19 crash was .258, more than two-and-half times above the legal driving limit of .10.

Glaser was arrested Monday morning after being released from Alaska Regional Hospital. A Kenai grand jury issued a \$75,000 cash only bail warrant on Friday. Glaser was being held at Cook Inlet Pre-Trial Facility.

Glaser was driving a pick-up truck when it crossed the center line at milepost 37.5 of the Seward Highway. The truck struck a car, killing Richard and Macaulay. McGee was injured. Glaser also was hospitalized.

If convicted, Glaser could be sentenced up to 99 years for each second-degree murder charge and 20 years for first-degree assault.

Discuss this story in our [Discussion Forum](#)

E-mail this story to a friend



Comments or questions? Contact the web master at [Peninsula.Claron](#)

Copyrighted by Peninsula Claron, a Division of Morris Communications  
[Privacy and terms of use.](#)

HVN  
5 July  
2000

# Pickup hits, kills bicyclist

Police say man drunk had 6 previous DWIs

By LISA DEMER  
Daily News reporter

An Anchorage man with six previous drunken driving convictions was driving drunk when he struck and killed a college student riding her bicycle on the sidewalk along Minnesota Drive late Monday, Anchorage police said.

Russell D. Carlson, 39, who had a 2-year-old child in the truck with him, was charged with manslaughter, child abuse, driving while intoxicated and driving while his license was revoked, according to police.

The bicyclist was Jessie Withrow, who grew up in Anchorage and



Jessie Withrow died Tuesday in Anchorage.

See Back Page, BICYCLIST

## BICYCLIST: Student enjoyed friends, family, music

Continued from Page A-1

was a dean's list student at Bates College in Lewiston, Maine. She was pronounced dead at Providence Alaska Medical Center on Tuesday afternoon.

Police Lt. Bob Griffiths said Carlson had six DWI convictions in Alaska. Details about those cases were not available Tuesday because of the July Fourth holiday.

The crash happened about 11:30 p.m. Carlson was driving a white full-size pickup, police spokesman Ron McGee said.

Witnesses told police that Carlson was weaving and driving fast while heading south on Minnesota. He ran into a Ford Explorer that had stopped for a red light on Northern Lights Boulevard, then went on the sidewalk and struck Withrow on

her bike, according to police. His truck then went into the parking lot of the Aurora Village Shopping Center and crashed into three parked cars, police said.

The 2-year-old child and another man in the truck were not hurt, police said. The relationship between Carlson and the child wasn't clear.

Family friends of the young woman who died described her as exceptionally bright and creative.

"Jessie was a very unusual child. It was like she was way grown up beyond her years. She was destined to do great things. The world is going to be a cheated place for the fact she was not able to achieve her potential," said Susan Peck, who has a daughter close to Withrow and who is a friend of Withrow's mother, Wendy.

Withrow wrote for Perfect World, the

teen-oriented pages in the Anchorage Daily News. She sang with her mother at the Renaissance Festival and the Anchorage Folk Festival. She served on the Anchorage Youth Court, helping kids who had gotten in trouble. In 1998, she graduated with honors from Steller Secondary School and won a scholarship to Bates College, a liberal arts school. She was home for summer break and would have been a junior, studying English.

"Her friends, her family and her music were the things she enjoyed the most," said another family friend, Ray Booker.

Carlson is being held at Cook Inlet Pre-Trial Facility on \$100,000 bail.

Reporter Lisa Demer can be reached at ldemer@adn.com and 257-4390.

**adn.com**

Anchorage Daily News

## **3RD WRECK PINNED ON BOOZE WOMAN CRITICALLY HURT; CRASH HIGHLIGHTS DWI ISSUE**

**By Larry Campbell And Lisa Demer  
Daily News Reporters**

*(Published July 6, 2000)*

A young Anchorage woman was hospitalized in critical condition Wednesday following the third collision in the past two weeks involving drunken driving suspects with previous DWI convictions.

Gloria B. Steelman, 19, suffered massive head injuries when the Ford Escort in which she was riding collided with a pickup headed the wrong way on Northern Lights Boulevard early Wednesday morning. Steelman, an East High graduate, was in intensive care Wednesday at Alaska Regional Hospital. The Escort's driver, Jacqueline Fetherolf, 20, a Chugiak High graduate and University of Alaska Anchorage student, was listed in stable condition with less severe injuries at Providence Alaska Medical Center.

Police charged the pickup driver, Albert T. Bowman, 48, with two counts of first-degree assault, driving while intoxicated and driving with a revoked license. He was held at Cook Inlet Pre-Trial Facility in lieu of \$80,000 bail.

Witnesses said Bowman turned east off the Seward Highway into the oncoming traffic lanes of Northern Lights shortly after midnight Tuesday. At the same time, Steelman and Fetherolf were headed west to the Village Inn restaurant, according to a friend following in another car.

The truck and Escort collided nearly head-on. Another vehicle traveling west behind the Escort also hit the compact car.

The crash was the third alcohol-related tragedy in the past two weeks.

Monday night Jessie Withrow, a college student home for the summer, was struck by a pickup while riding her bicycle on a sidewalk along Minnesota Drive and West Northern Lights Boulevard. She died the next afternoon at Providence. Russell D. Carlson, 39, was charged with manslaughter, driving while intoxicated, driving with a revoked license and child endangerment for having two children in the truck with him, including a 2-year-old.

And on June 24, 69-year-old Donna Hobson suffered broken bones and internal injuries when she was knocked down by a pickup that careened onto the bike trail on which she was walking in South Anchorage. Charged with first-degree assault, leaving the scene of an accident and drunken driving was Alfred W. Meyer, 36. Blood tests show his alcohol level at 0.22, more than twice the 0.10 level considered too drunk to drive, police said.

Despite passage in recent years of more stringent drunken driving laws, state justice officials say chronic

drinkers remain on the street. And the law allows it. The same thing is happening across the nation, according to the National Transportation Safety Board, which last month released a report on the problem of chronic drunken drivers.

Current law jacks up jail time with every DWI conviction - three days on the first conviction, 20 days on the second, 60 days on the third and at least 360 days for five or more. Under a provision added in 1995, those who rack up three or more convictions in a five-year period can get even more time.

But court records show that with each of the three men currently charged, their DWI convictions never amassed to the critical point in any five-year span since the 1995 provision was added. And even if they had, the minimum sentence for any number of DWI convictions, within five years or not, is 360 days.

Bowman has been convicted of five previous DWIs, all more than a decade ago. His most recent conviction was in 1990. He received two months in jail, was ordered to spend up to 90 days in a residential alcohol treatment program, and lost his driver's license for 10 years.

Carlson's criminal history includes 19 criminal convictions stretching back to 1979 and includes seven drunken driving convictions as well as convictions for negligent driving and reckless driving.

At the time of Monday's wreck, he was on probation for a 1998 DWI and his driver's license was revoked. At his October 1998 sentencing, prosecutor Ben Walters warned: "This man, unless he changes his ways, is going to kill himself or someone else pretty soon."

At sentencing, District Court Judge Natalie Finn said because most of the prior DWIs occurred years earlier, the sentence was fair: six months in jail, \$3,000 in fines, five years' probation, alcohol treatment, and the loss of his driver's license for another year. It was already revoked until 2006.

Carlson also has two pending child abuse cases against him from May and June. In both cases, police said he was intoxicated and unable to care for young children in his charge, including his 5-month-old son. Police who visited his home on June 1 found him on the couch with a bottle of vanilla extract, the baby screaming in a crib and a 2-year-old and 4-year-old hungry and running about the house, according to a charging document.

In 1990, Meyer was convicted of drunken driving and sentenced to five days in jail after an accident in Anchorage. He lost his license for 90 days. In 1991, he was convicted again after police found his truck stuck in a snowbank. He received 20 days in jail, lost his license for a year and was ordered to complete an alcohol treatment program.

Even when offenders are sentenced, they don't always spend the time in jail, said John Novak, chief assistant district attorney in Anchorage. Increasingly in recent years, defendants have been able to substitute time spent in alcohol treatment programs for time behind bars, Novak said. And the time in a treatment program can count even if it's done before a defendant is sentenced.

"That's what we're commonly seeing now," Novak said. "And it's frustrating. Jail time and treatment time are becoming confused."

People who work with criminals and alcohol problems say the specter of drunken driving has fallen out of general public consciousness in recent years. A spate of concentrated attention by lawmakers, police and citizens groups in the mid- and late-1980s helped reduce some of the problem.

But what remains are the chronics, the ones who keep getting behind the wheel after a judge has told them

not to.

In May a small group pulled together, made up of state social service workers, Mothers Against Drunk Driving, the state Alcohol Safety Action Program, churches and other interested people. The goal was to take the drunken driving problem from obscurity to the forefront again.

"We've realized this for a long time that there's a part of the problem that's not getting the attention it needs," said Linda Hornstein, MADD president. "People have got to start realizing that anytime they're on the street, this kind of thing could happen to them."

Reporters Larry Campbell and Lisa Demer can be reached at [lcampbell@adn.com](mailto:lcampbell@adn.com) and [ldemer@adn.com](mailto:ldemer@adn.com). Daily News reporter Mike Hinman contributed to this story.

Close Window

Copyright © 2000 The Anchorage Daily News ([www.adn.com](http://www.adn.com))

si  
ec  
as  
ie  
n  
i  
r



MAUREEN CLARK / The Associated Press  
are brought into the park  
ch summer. Below: John  
native weeds in the park.



# Injured women improving

ADW  
July  
2000

## DWI suspect had truck, not license, police say

By LARRY CAMPBELL  
Daily News reporter

Two young Anchorage women showed slight signs of improvement Thursday after being seriously injured in a collision with a suspected repeat drunken driver.

Gloria Steelman, 19, was listed in critical but stable condition at Alaska Regional Hospital with severe head injuries. Steelman had been riding in a car driven by Jacqueline Fetherolf, 20. Fetherolf was listed in serious condition Thursday at Providence Alaska Medical Center.



The two were struck early Wednesday morning by a pickup driving the wrong way down East Northern Lights Boulevard. Police charged the truck driver, Albert T. Bowman, 48, with two counts of first-degree assault, driving while intoxicated and

Bowman

See Page B-2 WOMEN

# Firefighters accept 5-year labor contract

By KAREN AHO  
Daily News reporter

Anchorage firefighters have voted to accept a five-year labor contract with the city.

"The city deserves five years of labor

guiltier as a .....  
140 to 150 pounds, with blond hair and a mustache. He was driving a dark sport utility vehicle, possibly red or maroon. Carr lived in Anchorage but owned about an acre of undeveloped land off Knik Goose Bay Road. Anyone with information is asked to call troopers at 428-7200.

### Man sentenced for killing best friend

FAIRBANKS — A 26-year-old Fairbanks man has been sentenced to 99 years in prison for killing his best friend. Adam Hamilton, 26, was convicted of first-degree murder by a jury in March for the Nov. 24 killing of David Dixon of Fairbanks. Dixon was stabbed in the neck, chest and back at his home. Hamilton was covered with blood when he was arrested shortly after the attack, according to police. The victim's

### New APRN pre

Paul Stankavich has l  
utive officer of the A  
has 33 years of exper  
served as general ma  
Wash., and worked w  
west Public Radio Ne  
tions in Minnesota an  
cial television in Ohio  
wants to develop a lo  
committed to the suc  
Stankavich succeed!

## WOMEN: Cra: h victims' conditions improve slightly

Continued from Page B-1

driving with a revoked license. Bowman has been convicted of five previous DWIs.

Anchorage police Detective Everett Robbins said Thursday that the truck Bowman was driving was registered to him, even though he didn't have a valid drivers' license. There's no law that bars someone without a license from owning a car or truck or any motor vehicle.

Robbins is also investigating two similar recent cases in which, like Bowman, the suspects charged with drunken driving have a history of previous convictions.

Earlier this week Russell D. Carlson, 39, was charged with manslaughter, driving while intoxicated and driving with a revoked license after the truck he was driving struck 20-year-old Jessie Withrow in Spenard. Carlson's criminal history includes seven previous drunken-driving convictions as well as convictions for negligent driving and reckless

driving.

The truck Carlson was driving Monday evening belonged to someone who was out of town. Carlson ended up behind the wheel when a man with whom Carlson had been riding decided he was too drunk to drive and let Carlson take the wheel, Robbins said.

Late last month 69-year-old Donna Hobson suffered broken bones and internal injuries when she was knocked down by a pickup driving on a South Anchorage bike trail.

Alfred W. Meyer, 36, was charged with first-degree assault, leaving the scene of an accident and drunken driving. He had drunken-driving convictions in 1990 and 1991.

Meyer works as general manager of the Muffler City shop downtown, Robbins said. He was driving a company-owned truck.

All three cases remain under investigation.

Reporter Larry Campbell can be reached at [lcampbell@adn.com](mailto:lcampbell@adn.com).

## FIREF

Continued from

living increases and 4 percent 2004.

The city estimate tract will cost \$182,000 more for arbitrator and arbitrator's settlement reached.

This way, dictable labor sides get to contract with of mediators Smith said.

Smith said marks the 1984 that th reached a outside help

Other ch tract includ

- A new firefighter will get a cent pay they train paramedic

- Firefi bachelor's field, suc will get a

## DENALI: Crews take whack a

# Accused drunken driver charged

JO C. GOODE / *The Frontiersman* / July 25, 2000

[Email this story.](#)

ANCHORAGE An Anchorage man accused of killing a Palmer boy and his cousin, and injuring their grandparents while driving drunk near Portage, was arraigned Friday on manslaughter charges in Anchorage District Court.

Robert Richardson, 35, was arrested after his release Thursday from Alaska Regional Hospital, where he had been treated for a ruptured aorta, several fingertip and a broken leg injuries he sustained in the July 12 crash that killed Kenneth Kramer, 11, of Palmer, and his cousin, Kevin Blake, 15, of Tatitlek.

Alaska State Troopers say the boys died shortly before 5 p.m. July 12 after an intoxicated Richardson crossed the center line on Portage Valley Road in his Ford F-150 and smashed into the drivers side of a compact Ford Aspire which Blake was driving.

Blake, who was driving with a learners permit, apparently swerved to avoid Richardsons oncoming truck, but had little time, his grandfather, David Glasen, said.

David Glasen, 61, and the boys grandmother, Patsy Glasen, 57, both of Tatitlek, were injured in the crash.

Blood tests in Anchorage soon after the crash revealed Richardson had a blood-alcohol level of 0.175, according to court documents. The legal limit in Alaska is 0.10.

Two days later, Richardson was charged with two counts of manslaughter, driving while intoxicated (DWI), and two counts of first-degree assault.

Richardson is being held at Cook Inlet Pre-Trial Facility in lieu of \$100,000 cash bail.

Last Tuesday, David Glasen underwent 14 hours of surgery to repair damage to his hip and pelvis at Providence Alaska Medical Center. Patsy Glasen, who suffered head injuries, was released from Providence Medical Center.

Also last Tuesday, Kenneth Kramer was laid to rest in Cordova. The 11-year-old was buried with his father, Darryl Kramer, who passed away in January.

Richardsons truck was pulled out of a Portage Lake by a tow truck just 20 minutes before the fatal collision. Richardson managed to travel about 1-1/2 miles toward the Seward Highway before he slammed into the familys compact sedan, according to troopers.

Richardson allegedly told Trooper Barry Wilson at the crash site that he had consumed a six-pack of beer earlier that day and was on his way from Anchorage to Wasilla. According to Wilson, Richardson said he thought he was near Wasilla.

[Back to Top](#)

[Back to News Stories](#)



*Best viewed in 4.0 or higher*

Copyright © 2000 Wick Communications, Inc.

# METRO

SATURDAY, July 29, 2000 ★

ANCHORAGE DAILY NEWS • www.adn.com

SECTION B

Donna Hobson rests in her hospital bed on her last day in the hospital on Friday. She was hit on a bike path by a driver who has been charged with first-degree assault, felony hit and run, and driving while intoxicated.



BOB HALLINEN / Anchorage Daily News

## Hit-run victim on bike path recalls 'outlandish' accident

By KAREN AHO  
Daily News reporter

Five weeks after being hit on a bike path by a suspected drunken driver, 69-year-old Donna Hobson rolled out of Providence Alaska Medical Center on Friday in a wheelchair.

Her left leg will never be the same, but she's not feeling sorry for herself. She said the accident was so outlandish and so devastating that she's just grateful to be alive.

"I feel God's given me another chance, given me a message," she said before her release.

"I don't know what it is ...," she added, laughing.

Hobson had been walking with her husband, Bob, on a bike path near O'Malley Road and the Old Seward Highway the evening of June 24. She was still recovering from knee surgery, so she supported herself with a cane in one hand and her husband's hand in the other, both tucked inside his warm pocket. He walked their miniature poodle, Tiny.

As they approached an alder-lined bend, a pickup suddenly rounded the curve. The driver swerved out of control in an apparent effort

to miss the pond, she said, and came fast at them.

Her husband tried to push her out of the way, but somewhat delicately because of her knee. Both they and the dog ended up in the pond, but Hobson was hit. She flew out of her shoes and landed face down in weeds and water some 20 feet away.

She doesn't remember much.

"It seems like I had a vision of crinkled tin in front of my eyes, all that metal. And everything going black. And he told me to lay still and he

See Page B-2, VICTIM

• We can all take lessons from the ...

# VICTIM: Is grateful to be alive JET SKI

Continued from Page B-1

was going for help," she said.

Her husband later told her that she kept saying she hurt. Paramedics said she kept asking, "What happened?" which is common for trauma victims.

The pickup got stuck in the pond, and the driver and his passenger fled, refusing to help Hobson pull his wife from the water or call for help, police said. A K-9 tracked a scent and found two men hiding behind a Dumpster outside Sports Authority, Hobson said.

"They thought it was all fun and games. Police said they were laughing about it when they found them," she said.

Alfred W. Meyer, who police identify as the driver, is charged with first-degree assault, felony hit and run, and driving while intoxicated. Police said Meyer, 36, has two prior convictions for DWI.

Hobson underwent 15 surgeries on her lower left leg. She thinks it got tangled in the pickup's metal. The tissue was so crushed, doctors thought they would have to amputate. But enough muscle and nerve remained.

Over a two-week period, doctors stripped and cleaned what was left, then wrapped the thin portion that remained with a long patch of skin cut from her thigh.

She'll wear a brace from her heel to her thigh for the rest of her life. But she will be able to walk. Slowed circulation through the calf will leave her left foot permanently swollen.

Her pelvis, fractured on both sides along with bones in her lower back, is slowly healing on its own. A tube inserted in her chest helped her punctured lung recover.

"I thought that I would just be devastated — oh, another day at the hospital — but I felt so fortunate that I came through it that I felt a sense of peace about it," she said.

"I'm angry at them at getting their kicks for taking a joy ride down the bike trail," she said. "I guess if he stops drinking and learns something from it then it's not in vain. ... Some people, they just can't seem to get away from their drinking."

Reporter Karen Aho can be reached at kaho@adn.com or 257-4450.

Continued from Pa

Alaska. "A personal watercraft is a boat. It has no difference in the environment or effect on the environment or effect on other boats. In some ways, it's a boat.

The watercraft club's response to the ongoing debate swirling around jet skiers as well as skiers and motorcyclists is in touch with law Gov. Tony Knowles.

They believe the proper etiquette and wildlife instead of recreation. "This is the tip of the iceberg and we need to act now."

Kevin Hite, president of the Alaska State Snowmobile Association, called the ban a limiting recreational activity in Alaska. In a prepared statement, Hite said the Knowles administration was on a "crusade to decontaminate public land and water."

The jet ski group is part of the motorboat industry. ABATE — Alaska Boat and Jet Ski Training and Education — is a national organization that has been successful in getting jet skis banned from public lands in many states.

# CRITTERS: Man spreads smiles, mess

Continued from Page B-1

... we can't ...

# Driver drunk in 6-fatality July wreck

## Chena road collision worst ever in Interior

By **KAREN AHO**  
Daily News reporter

A July auto accident that killed six people east of Fairbanks, making it the deadliest crash in Interior memory, can now join another list: that of crashes blamed on drinking and driving.

Alaska State Troopers said Saturday that the driver of the pickup that slammed head-on into another pickup on Chena Hot Springs Road had a blood-alcohol level nearly three times the legal limit for driving. His three passengers, all of whom were thrown from the truck and pronounced dead at the scene, also were highly intoxicated, troopers said.

Two Army soldiers who were killed when the pickup crossed into their lane

See Back Page, **CHENA**

# CHENA: Driver, 3 others were drunk

Continued from Page A-1

had not been drinking, troopers said. They also died on the road. Their wives were critically injured.

The alcohol test results from the July 2 crash, forwarded to troopers Friday by the state medical examiner's office, put a spike in a recent run of crashes blamed on drunken driving, especially in Southcentral.

In the Anchorage area alone, four people have been killed and six seriously injured by suspected drunken drivers since June.

Troopers say they would like to step up patrols but have limited manpower. Federal grants aimed at seat belt enforcement are paying overtime of extra officers on

the street. Some posts are juggling shifts to hit peak drunken driving hours.

"It is frustrating because I know they're there. If I could get out there more, if my guys could get out there more, we could arrest more," trooper Sgt. Lee Oly said. "There's only so much blood you can get out of a turnip."

In a state House committee meeting Thursday, officials spent three hours addressing the problem. Among draft bills being discussed for the next legislative session: lowering the blood-alcohol level for driving to 0.08, lengthening minimum prison sentences and requiring alcohol-purchase ID cards that mark past convictions.

In the crash outside Fairbanks, the driver had come

from a Fairbanks bar, trooper Capt. Mike Stickler said Saturday.

Jacky L. Moore, 39, had a blood-alcohol level of 0.27 percent, nearly three times the 0.10 legal limit for driving, troopers said. Passengers Christy Simon, 29; Harvey Grau, 27; and Kristine Fuit, 47, were "highly intoxicated," a troopers press release said.

Christopher McFadin, 21, and Bruno Guglielmi, 24, soldiers at Fort Wainwright, were killed. Their wives, Teri Jo McFadin, 18, and Krystal Guglielmi, 22, were seriously injured.

Reporter Karen Aho can be reached at kaho@adn.com or 254450.

ADN  
bang  
2000



SAM HARRAL / Fairbanks Daily News-Miner

Alaska State Troopers investigate a three-vehicle accident on Chena Hot Springs Road on July 2. Six people were pronounced dead at the scene, and two more suffered critical injuries.

## DWI

### *The road to tragedy*

Now we know the truth about the crash on Chena Hot Springs Road near Fairbanks last month: The driver of the pickup that caused the head-on collision was drunk as a skunk.

Because Jacky L. Moore, 39, chose to leave a bar and drive with a blood-alcohol level nearly three times the legal limit, six people, including Mr. Moore, are dead.

The young soldiers in the pickup Mr. Moore crashed into had not been drinking. They were two more innocent victims of an intoxicated driver in a summer of intoxicated drivers and innocent victims.

The soldiers' wives were seriously injured. They have to try to recover physically while somehow accepting that, at 18 and 22, they are widows.

What must keep them awake nights is the knowledge that this tragedy could have been avoided if Mr. Moore had called a cab. Or if the bartender had insisted Mr. Moore leave his keys and arranged a ride for him.

There are at least three parties involved in creating a drunken driver: the driver, the person providing the booze, and a community that tolerates the behavior.

Anchorage, like many Alaska towns and cities, in effect tolerates drunken driving.

Bad bars aren't the only contributors to the problem, but they play a part.

"We're not trying to get bars to stop selling people their 10th or 11th drink," Anchorage Police Department officer Derek Hsieh says. "We're trying to get them to stop at the 14th or 15th drink."

Think about being on the road with somebody who has had 14 drinks.

Of three high-profile Anchorage drunken driving cases this summer, one driver came from an "entertainment establishment," one had been drinking at home, and one picked up booze at a liquor store and drank in his vehicle.

Inspector John Bilyeu of the Alcoholic Beverage Control Board says 90 percent to 95 percent of liquor sellers are law-abiding businesses doing their best to follow rules. "It's the 5 to 10 percent that are doing anything to make a buck" who cause problems, Bilyeu says.

Officer Hsieh and Inspector Bilyeu agree that long-term, consistent enforcement is the key to producing responsible liquor sellers and drinkers.

"Our community has known about this problem for a long time," officer Hsieh says. "We've missed an opportunity to be proactive and now we're being reactive."

Let's be reactive in a way that's most likely to produce the results we want. Drunks by definition have no judgment. Society must step in when they stagger and fall — before others die needlessly.

As officer Hsieh says, this community needs to "make a commitment to stand by the standards we're going to set in the short term and live by them for the long term."

We don't need vigilantes gathering under the tree to hang each convicted killer. We need to stop relatively harmless drunks — whether first-time social drinkers or hard-core alcoholics — before they become killers.

At a minimum we need strict, consistent enforcement of liquor laws and adequate police and trooper highway and street patrols. We need to consider a lower blood-alcohol limit, alcohol-purchase ID cards, and any other reasonable idea.

Selling, buying and drinking alcohol is a right that society should only tolerate if done responsibly. And responsibly means at the very least not drinking and driving.

If we don't prepare to deal with drivers who drink, we're really preparing for more, more and more drunken driving tragedies.

Anchorage  
Daily  
News

9 Aug 2000

---

---

# JUNEAU EMPIRE<sup>☆</sup>

DON SMITH  
Publisher

STEVE REED  
Managing Editor

ROBIN HERDMAN PAUL  
Marketing / Advertising Director

FRED HOWARD  
Circulation Manager

KAREN JONES  
Office Manager

JOE ABANDOLA  
Production Manager

---

## Legislature on right road with drunken-driving laws

Without sounding preachy, it is important to acknowledge and endorse attempts in the Alaska Legislature to toughen the state's drunken driving laws.

Barely a generation ago, drinking and driving bore the imprimatur of social acceptance - as long as no one got hurt. The problem was, people kept getting hurt. With more people drinking and more people driving as the U.S. population surged after World War II, more were killed or injured because of those who followed socially acceptable practices with little consideration of the consequences.

How do we know that drunken driving was socially acceptable?

By the mild penalties imposed on offenders in general and repeat offenders in particular.

Far too often and for far too long, drunken driving was excused as a boys-will-be-boys exercise. Asking a man to give up his car keys even when he was falling-down drunk was considered an affront to his masculinity. If fewer women were drinking and driving in the years immediately after World War II, the feminist movement and increasing numbers of women in the workforce helped eliminate gender distinctions about alcohol consumption.

Everybody played; everybody lost.

Still, judges, jurors, prosecutors and defendants played a wink-wink game of pretending to impose penalties on people who pretended to have learned a lesson.

Inevitably, survivor-victims and the relatives and friends of those who did not survive demanded an end to wink-wink justice.

Like smoking or smoking in public places, getting drunk and driving drunk have had society's full attention for a while.

Tolerance has declined, but a segment of the Legislature believes there is more to be done in the name of involuntary social responsibility.

We favor the move to make it more difficult for offenders to become repeat offenders. Removing some of the spontaneous opportunities whereby offenders can purchase alcohol is a start. It is right that they should be required to produce distinctive identification that tips off a retail clerk to a drunken driving history.

Those who purchase alcohol for someone prohibited from buying it rightfully should be doing so at some legal risk to themselves.

And, just as citizens may lose driving, hunting, fishing and voting privileges based on criminal behavior, it is not unreasonable to prohibit convicted drunk drivers from consuming alcohol for a specified period of time. Tough to enforce, but not unreasonable.

Lowering the legal threshold for intoxication from 0.10 blood-alcohol content to 0.08 is a must. To refuse is stubborn folly that will cost Alaska a bushel of federal highway dollars.

Raising the cost of drinking has been proposed and also must be considered.

Consideration and dollars also should be given for alcohol-related education.

Alcohol remains a favorite mood modifier. It still slows reflexes. As with so much else in life, people don't always know when to quit.

Teens need to have access to information about alcohol's physical effects. The information needs to be presented in an unbiased manner - without sounding preachy, as we said from the top.

There is a need as well for educating those who may have grown up in an alcohol culture, who are offenders and who are likely to become repeat offenders. Believe it or not, they may never have heard the facts.

The road to social responsibility is long. We should do what we can to ensure the safest journey possible.



# Anchorage Daily News

Michael J. Sexton  
Publisher

Patrick Dougherty  
Editor

Steve Lindbeck  
Associate Editor

Founded in 1946 by Norman C. Brown  
Fuller A. Cowell, Publisher, 1993-1999 Katherine Fanning, Editor and Publisher, 1971-1983  
Gerald E. Gilly, Publisher, 1984-1993 Lawrence Fanning, Editor and Publisher, 1967-1971

## OUR VIEW

# When drivers are outlaws

*Suspending a license isn't a strong enough deterrent*

**W**hen cocaine user Scott Sunderland ran off a city road last year, rolling his truck and killing his wife, he was driving even though his license had been suspended.

When drunken driver William Rust crushed a 29-year-old mother of two with his Ford Bronco back in 1995, he was driving even though his license had been suspended.

When Daniel James Bushey, hopped up on cocaine and booze, sped through a downtown intersection in 1994 and killed a mother and her 10-year-old daughter, he was driving even though his license had been suspended.

When 18-year-old Morris King spent a night in 1992 guzzling beer and wine coolers and speeding through red lights for fun, killing two 22-year-old women, he was driving even though his license had been suspended.

There seems to be a pattern here.

*Sometimes a suspended license is no stiffer a punishment than the paper it is written on.*

Sometimes a suspended license is no stiffer a punishment than the paper it is written on. Last year, Anchorage police issued 4,266 citations for driving without a license. The vast majority of those were given to people driving with suspended licenses, and the vast majority of those had lost their licenses for DWIs. As Messrs. Sunderland, Rust, Bushey and King

demonstrate, these outlaw drivers can inflict disaster on innocents.

Suspending driver's licenses does not do enough to protect innocent motorists from mayhem. People tempted to drive with suspended licenses need to face sterner consequences. Assemblyman Dick Traini has an excellent proposal to do just that. He wants people who drive with suspended licenses to forfeit their cars to the city, just as drunken drivers do. First offense, a 30-day impound. Second offense, bye-bye car.

In DWI cases last year, the city seized 1,600 cars. Impounding cars for driving with a suspended license will make it even more difficult for dangerous drivers to get back on the streets.

Seizing cars in such cases does raise legitimate questions about due process and the rights of innocent owners. Where a relative or bank owns an interest in the car, the city is willing to negotiate an appropriate settlement or the case can go to court. To get the car back in the meantime, owners can post a bond. The city's goal is to terminate the ownership of the violator while protecting the innocent owner's rights.

Processing all the new seizure cases may seem like an expensive proposition. But the current program basically pays for itself through fees the violator is charged for police time and work by the city attorney. And cracking down on drivers with suspended licenses is a good investment in public safety.

inAlaska.com

Activities, Destinations, Tours,  
Wildlife, Video, Postcards...

inAlaska.com  
Click here for your  
ticket to Alaska!



News  
Business  
Sports  
Local  
Health  
Technology  
Living · Travel  
TV News  
Opinions  
Weather  
Shop@MSNBC  
MSN.com

Local

LOCAL NEWS LOCAL WEATHER LOCAL SPORTS MORE CITIES WRITE US NEXT STORY

## Anchorage, AK

Station Home Page & More Local Information



Justin Freeman / KTVU

Robert Mersing is loaded into a police car, following the crash.



Dan Fagan

### Man faces 3rd DUI

**Anchorage, Aug. 9-** One year ago, 22-year-old Robert Allan Mersing was arrested for drunken driving. A month ago, he was arrested again for drunken driving. Then on Tuesday night, for the third time in a year, Mersing found himself once again handcuffed and headed to jail for allegedly driving drunk.

POLICE SAY MERSING'S THIRD drunken driving incident could have easily been the most dangerous. Eric Quint's young daughter was playing in their yard by a fence just minutes before police say Mersing came speeding and crashing into the fence.

"After hearing so much in the press recently about drinking and driving, it really scares me actually," Quint said. "It really does."

Police say Mersing failed his sobriety test and refused to take a blood alcohol test. He also was uncooperative with police and at one point refused to spread his legs and be searched. After a while, police spread Mersing's legs for him.

One witness says Mersing told police he had been through this before and that it was no big deal. But it was a big deal for neighbors who saw it all. After Mersing crashed into the fence, he then ran over a nearby stop sign. Two neighbors approached his car when it became disabled because of an air bag.

"He hit the stop sign, then we got a hold of him and we pulled him out of the car and grabbed the keys, threw them up on the roof of the car," neighbor Clint Belcher said.

"He would have ran," Vic Shincke said. "He would have ran."

Mersing was charged with DWI and driving with a suspended license. His license was suspended because of his two DWI arrests.

#### MSNBC COVERAGE

 Click here for more news in Alaska

● NEXT STORY →



MSNBC is optimized for  
• Microsoft Internet Explorer  
• Windows Media Player

• MSNBC Terms, Conditions and Privacy © 2000

Cover | Headlines | News | Business | Sports | Local | Technology | Living & Travel | Health  
TV News | Opinions | Weather | Shop@MSNBC | MSN | Comics | Find | About MSNBC | Help | Index  
Cool Tools | Jobs | Write Us | Advertising on MSNBC | Y2K Statement | Terms, Conditions, and Privacy



Find Help NewsTools Write Us

## Driver involved in fatal crash had high blood alcohol

October 17, 2000

By BETH IPSEN  
Staff Writer

The driver involved in a fatal accident that killed a 17-year-old Lathrop High School student Sept. 30 had a blood-alcohol level nearly three times the legal limit, according to Alaska State Troopers.

Trooper Sgt. Tim Schoenberg said Kirk Johnson, 32, of Fairbanks had a blood-alcohol level of 0.29, according to information obtained from his medical records at Fairbanks Memorial Hospital. A search warrant was authorized to examine the records.

Blood alcohol levels of 0.10 percent and higher are considered drunken driving.

Johnson was driving a full-sized 1987 GMC truck that slid into the opposing lane around 3 p.m. that day and collided head-on with a 1991 Toyota sedan driven by 17-year-old Heather Dowdy at 3.5 Mile Old Steese Highway. Both individuals were the only occupants in the vehicles.

Dowdy suffered several injuries and died at FMH that day. Johnson received facial injuries and was admitted to the hospital.

Trooper Aileen Witorsky, who is investigating the accident, said the ice on both sides of the road also contributed to the collision.

Schoenberg said charges are pending completion of the investigation on the accident itself, which takes longer.

"We'll research all of the statutes that are appropriate with that particular incident," he said. "There will be more charges pending than a DWI; that's a forgone conclusion."

After the investigation is complete, Witorsky said it will be reviewed at the district attorney's office before the report and charges are made public.

Johnson was convicted of driving while intoxicated in 1988 after troopers stopped him for weaving across the center line of the Richardson Highway, according to court records. In that incident, he had a blood-alcohol level of 0.18.



**adn.com**

Anchorage Daily News

## **Family, friends express outrage**

**Something should have put a stop to repeat DWI offender long ago DWI:  
Repeat offender charged in Muldoon collision**

By Karen Aho  
Daily News Reporter

*(Published October 12, 2000)*

In 1998, after his fifth drunken driving conviction, Franklin Schug asked to be excused from his court-ordered alcohol counseling.

"I will be 67 next birthday," he wrote a judge in a one-page note contained in court files. "I don't intend to drive, nor could I afford a car and insurance. I would like to have this order dismissed."

The court denied his request. Two years later, Schug did drive, despite the fact that, according to prosecutors, he did not have a license and couldn't have had insurance.

He also drove while intoxicated, according to charging documents. Police said he had a blood-alcohol level of .229, more than twice the legal limit, when he collided with two motorcycles Saturday evening on Muldoon Road, injuring four people, one of them critically.

Schug has been charged with four counts of assault, as well as leaving the scene of an accident, DWI, and driving without a valid license. He is being held at Cook Inlet Pre-Trial Facility in lieu of \$290,000 cash bail.

Family and friends of the victims attended Schug's hearing earlier this week and expressed outrage at his repeated drunken driving. His convictions, none of them felonies, date back to 1976.

"I have a DWI conviction from 1987 and I have a perfectly clear driving record now," said Brad Mork, a friend of the victims. "Some people learn and some don't."

Mork, 36, said he was riding his motorcycle behind his friends down Muldoon Road on Saturday when Schug's pickup pulled out of a side street in front of them. The bikes struck metal. His friend Mark Thom looked up at Mork from the pavement and said, "Go get that SOB."

The pickup had taken off, Mork said. "It was the worst thing I ever seen."

Mork caught up, and hollered through the driver's closed window as the pair moved down Muldoon, he said. With the aid of another driver, Mork blocked the pickup 29 blocks later. Mork jumped on the running board, punched out the window, and pulled the gearshift into park.

He said he told Schug, "Pull over, now! You just caused a major accident. Pull over!"

"You could see the whole side of his truck was smashed in," Mork recalled. "He's like, 'Huh, uh, I didn't do anything.'"

According to the criminal complaint, Schug wobbled from the pickup and told police "that he felt a bump, didn't see anything in his mirrors, so he continued."

Tammy Thorn, who was riding on her husband's motorcycle, suffered a torn artery in her chest. In the first days after the accident she was given a 10 percent chance of survival, according to the court document. Friends said she has since pulled through open-heart surgery and has resumed breathing on her own.

"She's able to whisper," friend Jody Doyle said. "Her mother-in-law said she wanted to hold her baby."

Tammy, 27, and Mark, 34, have three children, ages 10, 7 and 3 weeks. Tammy is expected to be hospitalized for a couple months with internal injuries and multiple broken bones. Mark could be in a wheelchair the same length of time. The driver of the second motorcycle, Terry Longoria, 35, suffered internal injuries and multiple fractures, and his passenger, Jerri Romazewski, 30, minor injuries.

To help the Thorns pay their bills and insurance deductible, friends opened two bank accounts in the family's name. Both are at the National Bank of Alaska, under account numbers 1102307084 and 1102284378.

Mork, meanwhile, had swollen knuckles from punching out the pickup's window. He said something long ago should have stopped Schug from driving.

Reporter Karen Aho can be reached at [kaho@adn.com](mailto:kaho@adn.com) or 257-4450.

Close Window

Copyright © 2000 The Anchorage Daily News



Photo courtesy of Matthew Thorn

Tammy and Mark Thorn and their children Kristina, 10, and Christopher, 7, pose for a family picture after the birth of daughter Sherry Lee three weeks ago. Tammy and Mark Thorn's motorcycle collided with a pickup Saturday that police say was driven by a man with five DWI convictions.

Previous Document Search Results Next Document

Search text: "drunk driving"  
Collection: ken\_2000 13/100



Powered By

Web posted Thursday, October 19, 2000

## Woman arrested in connection with September death of Unalaska man

UNALASKA (AP) -- A 29-year-old woman is behind bars in connection with the hit-and-run death of an Unalaska man in September.

Alya S. Landt is charged with manslaughter, criminally negligent homicide, tampering with evidence and **drunk driving**. She was arrested Monday in Unalaska following a six-week investigation.

Police said Landt accidentally ran over Robert Shapsnikoff on Sept. 3 after a night of heavy drinking. Landt then allegedly concocted a story to cover up the incident.

According to charging documents, Landt, Shapsnikoff and Innocent "Ty" Dushkin were drinking together at an Unalaska bar. Afterward, Shapsnikoff reportedly walked away from the bar, and Landt and Dushkin left soon afterward in her rental truck.

Police said Landt and Dushkin initially told officers they found Shapsnikoff injured in the road. But Dushkin reportedly changed his story after an autopsy revealed the victim died of injuries consistent with a vehicle accident. Dushkin has not been charged.

Landt was being held Thursday on \$100,000 bond.

Discuss this story in our [Discussion Forum](#)

E-mail this story to a friend



Comments or questions? Contact the web master at [Peninsula Clarion](#)

Copyrighted by Peninsula Clarion, a Division of Morris Communications  
[Privacy and terms of use.](#)

Powered By

Web posted Thursday, November 16, 2000

## Attorney calls drunken driving sentence one of most severe ever

*Two fatalities worth 22 years*

By DOUG LOSHBAUGH  
Peninsula Clarion

A Crown Point man drew 22 years in prison Tuesday for the drunken driving deaths of two prominent Juneau residents and the injury of a third.

Michael Glaser, 44, entered guilty pleas Tuesday in Kenai Superior Court on two counts of second-degree murder and one count of first-degree assault stemming from the April 19 accident that killed Martin John Richard, 50, and Ladd E. Macaulay, 57, and injured Steven Gregory McGee, 49, all of Juneau.

Judge Jonathan Link sentenced Glaser to 30 years in prison with 15 years suspended for each murder count and eight years in prison with three years suspended for the assault count. He ordered Glaser to serve 10 years for each murder count and three years for the assault count concurrently, and to serve five years for each murder count and two years for the assault count consecutively. That complicated formula amounts to a sentence of 22 years in prison.

However, it appears Glaser could be eligible for parole after 14 years, said his attorney, John M. Murtagh. Link also sentenced Glaser to 10 years probation.

Glaser originally pleaded not guilty to all three charges. On Tuesday, though, he felt changing his pleas was "the right thing to do," Murtagh said.

"He wanted to accept responsibility for his actions," Murtagh said.

According to court documents, Glaser told the victims' families he is "very sorry for what has happened," and he "will never drink again and put (him)self in this position."

**Glaser** reportedly had a .258 blood-alcohol level, two-and-one-half times the legal limit, at the time of the accident.

Richard, Macaulay and McGee, three state of Alaska employees, were returning to Anchorage in a rented Toyota Camry after visiting peninsula hatcheries. **Glaser** was southbound on the Seward Highway in an older model Chevrolet crew cab. The pickup crossed the center line at Mile 37.5 Seward Highway, struck the Camry head on, and rolled on its side, trapping **Glaser**.

The Camry was shoved against a mountainside, trapping the three occupants. Richard and Macaulay were pronounced dead at the scene.

Richard was director of the Division of Investments for the state Department of Community and Economic Development. Macaulay was a loan officer with the division.

McGee and **Glaser** were injured. **Glaser** underwent ankle reconstruction and was arrested May 1, following his release from Alaska Regional Hospital in Anchorage.

Murtagh said he argued during Tuesday's sentencing hearing that the mandatory 10-year sentence would be sufficient. **Glaser** already has been through residential treatment and offered to help Mothers Against Drunk Driving, the Seward Police and other groups teaching about the possible consequences of drunken driving.

"He doesn't need to be in prison because he is a danger to the public or for rehabilitation," Murtagh said. "The only reason to put him in prison is for punishment or to deter the public."

According to court documents, though, John Wolfe, assistant district attorney, said **Glaser** had a blood alcohol of .247 two hours after the accident, and suggested **Glaser's** efforts at rehabilitation should be low on the list of criteria considered for sentencing.

"The most important was community condemnation and reaffirmation of societal norms," Wolfe said Wednesday. "The public strongly condemns people who drink and drive, then injure or kill people."

Deterring others from drinking and driving is the next most important consideration, Wolfe said, and a longer sentence might better catch the public's attention. The Legislature recently changed the minimum sentence for second-degree murder from five years to 10. Wolfe argued that **Glaser** should be sentenced to seven years for the assault, since that involved a deadly weapon.

"My argument was that the sentences should all be consecutive," he said.

The two 10-year minimum sentences plus the seven years for assault would total 27 years.

Murtagh said the sentence **Glaser** did receive is the most severe he is aware of in Alaska for a drunken driving fatality.

"I don't believe Mr. **Glaser** is the most serious offender," he said. "The theory is that people who drink and drive will get the message. I think that is a very tough use of anyone's life."

He said he has not yet seen Link's written judgment, and **Glaser** has not yet decided whether to appeal the sentence.

"If the sentence leads people not to drink and drive, it might be appropriate, but that's always speculative," Murtagh said.

Wolfe said **Glaser** is among the first to be sentenced under the recent changes to the law. **Glaser** made a bad decision and was well aware of the potential consequences. **Glaser** took two lives and hurt several others, he said.

Peninsula Clarion staff and The Associated Press contributed to this story.

Discuss this story in our Discussion Forum

**E-mail this story to a friend**



Comments or questions? Contact the web master at [Peninsula Clarion](#)

Copyrighted by Peninsula Clarion, a Division of Morris Communications  
[Privacy and terms of use.](#)

---

Search text: **Glaser**  
1/24

Previous Document    **Search Results**    Next Document

---

22 JAN 2001

## DWI legislation

Jan. 18, 2001

To the editor:

Legislators wishing to toughen the stance against drunk drivers should tweak the existing laws before enacting new ones that will have little or no deterrent effect.

If I understand correctly three DWI's in five years qualifies you for a felony DWI. A dedicated drunk driver can space out his/her convictions every two years and rack up as many as 20 or so DWI's over a lifetime, with none of them being a felony.

Second DWI convictions average 15 days in jail and \$500-1,500 in fines. This plus a chunk of the lawyer's fee can be covered by a single year's dividend so how much of a deterrent can it be? The third conviction and every conviction after that should be a felony with the fine and mandatory minimum sentence doubled each time until a lesson has been learned or we never see the offender again.

Giving people who have demonstrated a total disregard for the consequences and penalties for drunk driving a break of any kind for avoiding detection for a set period of time is ridiculous. Toughen this portion of the law and give our local lawyers fewer repeat offenders to defend and fewer ambulances to chase.

---

Matt Kennebec  
Fairbanks

Anchorage Daily News 23 Jan 2001

**Pick up your phones and pens a join  
the battle against drunken driving**

Alaskans, our state Legislature is in Juneau for the 2001 session. If you are interested in getting drunken drivers off Alaska's roads and highways, please call your representatives and senators and demand a change in state laws concerning drunken driving. The present laws are not working. If we are going to stop drunken drivers, the punishment has to be severe enough to get their attention, severe enough that a person will think about it and not do it.

I am going to call my senator and representative and ask for zero tolerance, 18 months in jail, loss of license for five years, a \$3,000 fine and loss of vehicle. If a drunken driving accident results in death, the charge against the drunken driver should be second-degree murder. If you think this punishment is too severe, then you have not suffered the loss of a loved one because of drunken driving.

On July 12, a little after 5 p.m., I lost two grandsons, 11 and 15 years old, to a drunken driver on the new toll road between Whittier and Portage. As I lay in the hospital after the accident, going over and over it in my mind, the one thing that stood out so clearly was that every drunken driving accident is 100 percent preventable.

It is up to each person who drinks to decide whether to drive or not to drive. If he or she chooses to drive, he or she also chooses the consequences of the decision. Being drunk is no excuse!

— Dave Glasen  
Tatitlek

Anchorage Police responded to a van rollover at Mile 9 of Eagle River Road on Monday afternoon. Nobody was injured. Police had to close the road for about an hour until the wreck was removed. The accident was one of at least 20 caused by icy roads this past week. More than 50 "vehicles in distress" were also reported. (See page 5.)

# Local legislators get an earful

## Citizens want attention given to schools, roads

By JODI STEPHENS  
Alaska Star

The state exit exam, a new high school, drunk driving and local service districts were on the minds of 15 residents attending Saturday's town hall meeting with Chugiak-Eagle River legislators.

Sen. Randy Phillips and Reps. Pete Kott and Fred Dyson came in person, while Rep. Vic Kohring took part via speaker phone from Juneau. Sen. Rick Halford was in Washington, D.C., for the presidential inauguration.

On the topic of high school exit exams, Kott said he favors a delay in implementing the tests, now set to face all seniors in spring 2002. "I'm just not sure how long we should delay it. Four years? Or is two years enough?"

Dyson took an opposing view. "A lot of people who are lobbying for a delay have a dog in the fight. I'm not sure I'm going to learn a lot more hearing from the professional teachers lobby." He quoted

Commissioner of Education Shirley Holloway as stating, "There's 60 or 70 schools out there who know they haven't been doing the job, and they're embarrassed about the figures coming out in the light."

Audience member Gail Dial urged adults to take the sample exam on the Internet. Referring to the language sections, she said, "The writing section is not that complicated. If kids can't handle that, we're doing them a real disservice. I think you really shouldn't have a diploma if you can't pass that test." However, she added, "maybe the math part is too hard; not everyone is going to be able to do advanced geometry or advanced algebra."

Judith Fetherolf took a harder line. "Algebra should be a minimum for math standards," she said. "Without a certain level of skills, you're going to have a hard time finding a job to support yourself. There aren't alternatives to college anymore."

Fetherolf's daughter Jackie, a 1998 Chugiak High School graduate, spoke of her own experience. "It's really easy to graduate. You're encouraged not to take hard classes ... You shouldn't lower the standards so everyone can graduate."

"Whether or not we continue the testing, we have to identify the weaknesses in our schools," Dyson said, adding that he'd like more comments from parents, especially on how to make the tests fair to disabled students.

The subject of drunk driving also brought lengthy discussion. "The number of people uninsured in this state is enormous," said Fetherolf, whose daughter's car was hit by a drunk driver last July and who now faces a \$60,000 lien to pay medical expenses for a badly injured passenger. "You're looking at the state cost but you're not looking at the overall costs to the people of this state," she told the legislators.

Kott said he's introduced legislation to reduce Alaska's legal blood alcohol limit from the present .1 to .08, explaining that the lower standard is a federal mandate without which Alaska stands to lose \$7.5 million in 2004. Kott said his House Bill 17 may be rolled into an omnibus bill by Rep. Norm Rokeberg (R-Anchorage), which is working its way through the House.

On the subject of road projects, Sen. Randy

See EARFUL, Page 17

*Alaska Star 25 Jan 2001*



STAR PHOTO BY JODI STEPHENS

Sen. Randy Phillips, Rep. Pete Kott and Rep. Fred Dyson listen as local road board member Gail Dial makes a point about service areas at the Saturday town hall meeting.

## EARFUL:

Continued from Page 1

Phillips expressed frustration that Eagle River priorities are constantly losing funding to Anchorage projects that run over budget or that are deemed more important. "I'm coming up with some legislation to deal with that. If it says No. 1 or 2 (on the city's funding list), it's going to get done," Phillips said.

The need to protect local service districts, which provide road maintenance, parks programs and fire protection, also brought heated comments - all in favor of HB 13, a bill sponsored by Rep. Con Bunde (R-Anchorage). Similar to a measure passed last year but vetoed by the governor, the bill aims to prevent boroughs and municipalities from taking over limited service areas formed, and paid for, by local voters.

Bunde's substitute bill adds volunteer fire departments to the list of service districts that may not be abolished, amended or merged without a majority vote of the people affected.

Chugiak Volunteer Fire Department assistant chief Bruce Bartley said the bill would ensure that cities "can't do an end run around it, dissolve a service area and recreate it." Such moves typically mean higher rates and less service within the former district, he said. During his 18 years with CVFD, he said, the push to professionalize the Chugiak force "has come and gone," with the latest attempt being to take over emergency medical services.

Phillips asked interested audience members to keep

tabs on the legislation and "make very sure which draft of the bill you want. We went through this drill last year. If you have any objections, let us know what the pitfalls are."

The budgets for local parks and roads also came in for debate, with Gail Dial saying she and fellow road board members "are never allowed to see the whole (road) budget, just what our contractor's costs are. We have no idea how much money we've got or where it's going."

Anchorage Assembly member Anna Fairclough said she has asked municipal finance officer Kate Giard to research Chugiak-Eagle River property tax assessments and how much goes to parks and roads, and report to local board members in March.

As the discussion turned to the need for a new high school, Fairclough urged legislators to obtain a 70/30 match for the project, having the state pay 70 percent so voters would only have to approve a \$12 million bond this spring. "If we'd had 2,400 more votes, we could have passed it last year," Fairclough said, referring to a \$42 million bond that narrowly failed last April. "People realize that Chugiak-Eagle River has been shortchanged."

Phillips stopped short of promising state money for the project, but said, "The high school is going to be my No. 1 priority this session."

Future public meetings with local legislators are set for Feb. 17, March 3 and April 7.

3, 2001, at  
Eagle River  
Chugiak Chapel  
Park Cem-

Mr. Wil-  
usband of  
laughter,  
knowing  
er, said,  
work to  
laughter,  
oyal and  
ter, said,  
ast." His  
rong and  
forever  
him has  
tribution

Say Wil-  
Melanie  
Laurisa  
Nicholas  
K'Maire

Williams.  
Funeral

Wed Jan

**NewsChoice****Alaska**[Fairbanks Daily News-Miner](#)**California**[Alameda Times-Star](#)[The Argus](#)[The Daily Review](#)[The Eureka Times-Standard](#)**L.A. Daily News**[Long Beach Press-Telegram](#)[The Oakland Tribune](#)[Pasadena Star-News](#)[San Gabriel Valley Tribune](#)[San Mateo County Times](#)[Tri-Valley Herald](#)[Whittier Daily News](#)**Colorado**[The Denver Post](#)[The Journal Advocate](#)**Iowa**[The Daily Nonpareil](#)**Massachusetts**[The Berkshire Eagle](#)[Lowell Sun](#)[Sentinel & Enterprise](#)**New Mexico**[Las Cruces Sun-News](#)**New Jersey**[Bridgeton Evening News](#)[The Gloucester County Times](#)[Today's Sunbeam](#)**Pennsylvania**[The Evening Sun](#)[The Express Times](#)[York Daily Record](#)[The York Dispatch](#)[York Sunday News](#)**Utah**[The Park Record](#)**West Virginia**[Charleston Daily Mail](#)

## Taking away the keys

*February 02, 2001*

In May 1998 the city of Fairbanks began seizing vehicles from drunk drivers.

In addition to the fines and other drunk driving penalties mandated by state law, the city's ordinance provides for impounding vehicles used by offenders for a minimum of 30 days.

The most recent statistics available show 870 vehicles have been impounded as a result of individuals caught driving while intoxicated. If first-time offenders are involved, or 10 years has passed since the driver's last DWI conviction, those cars and trucks sit parked for a month, if not in an official impoundment yard than in private storage facilities approved by the city. If nothing else, these seizures idled the hundreds of vehicles used by drunk drivers for weeks at a time, hopefully giving drivers inconvenienced in this manner a sobering lesson.

The city ordinance takes a bigger bite from repeat offenders.

If the owner was operating the vehicle at the time of the repeat offense, if he or she was present in the vehicle when the violation occurred, or can be otherwise proven to have been aware that a drunk with a DWI conviction, anywhere in the country, in the last decade was at the wheel, Fairbanks tough policy directs the city to pursue forfeiture of the vehicle.

The local forfeiture ordinance has resulted in the forced auction of 72 vehicles to date, with another 12 "ready for sale," according to Connie Martin, the legal assistant employed on a part-time basis to run the city's program.

In cases where the vehicle involved in a DWI arrest is owned by someone other than the driver, Martin notes, the city gives the innocent party the option of reclaiming their vehicle following impoundment. The cost of such redemptions generally runs between \$200-\$260, depending upon the progress of the legal paperwork.

The state also has a similar law on the books providing for seizure and forfeiture of vehicles from repeat drunk drivers. There is one whopping difference: vehicle forfeiture is an option for state prosecutors, rather than a mandate.

House Bill 39, introduced at the opening of the session by Rep. Pete Kott, R-Eagle River, would have, among other things, changed that policy, replacing the word "may" in the state's vehicle forfeiture law with "shall."

In committee this week HB 39's forfeiture provision was dropped as too expensive.

Every lawmaker should prudently address the costs associated with proposed legislation. In this instance, however, Fairbanks' experience suggests the modest cost of pursuing vehicle forfeitures amounts to a solid investment against drunk driving.

That's the view you'll hear from Martin, the paralegal who handles, on a less-than-full-time basis, the vehicle seizure program in Alaska's second largest city.

"In some cases it might cost a little more than the vehicle is worth, but this program isn't about making money," she said. "It's about getting those drivers off the street."

---

© 1999-2001 MediaNews Group, Inc.

### **Money is no object; Alaskans are fed up with drunk drivers**

Wonderful! Rep. Pete Kott introduces a reasonable measure to address the absurd DWI problem in our state, then he finds out that it would actually cost money to implement, so he

---

*What price  
can you put  
on a dead  
wife?*

---

waters it down ("Kott trims costly parts from drunken driving bill," Feb. 3). Amazing. I always thought this was one area that Republicans were good at ... you know, law and order stuff.

The state Legislature needs to address the carnage wrought by drunken drivers, no matter what the cost. What price can you put on a dead wife, husband or child? We need representatives who actually "represent" the will of the people, and I think the vast majority of citizens in Alaska are fed up with drunken drivers.

— Doug Brown,  
Anchorage

Anchorage Daily News

10 Feb 2001

---

---

# State traffic accidents up 8.8 percent in 1999

■ *January, February are most dangerous months in Juneau*

By ANN CHANDONNET  
THE JUNEAU EMPIRE

A report recently issued by the Alaska Department of Transportation and Public Facilities shows traffic accidents in the state increased significantly in 1999.

According to "1999 Alaska Traffic Accidents," there were 14,691 traffic accidents that calendar year, an increase of 8.8 percent over 1998. Twenty-eight percent of the accidents resulted in injuries; 0.5 percent resulted in fatal injuries (77 victims).

Thirty-four of those 77 died in accidents that were classified as alcohol- or drug-related. Twenty-nine of them might have survived had they been wearing seatbelts or using other safety equipment.

The percentage of accidents involving either injuries or fatalities increased in four of the eight largest boroughs in 1999: Juneau, Mat-Su, Kodiak and the Kenai Peninsula. The fatalities in Alaska are slightly below the fatalities per million licensed drivers in the entire United States.

The most prevalent type of collision in Alaska was the angle collision,

a crash type associated with turning, passing and failure to yield situations. The second most prevalent was the rear end collision, typical of situations involving unsafe speed and driver inattention.

New Year's weekend was the most dangerous time to drive, followed closely by Thanksgiving. December, January and February were the most accident-prone months. Most fatalities occurred between 2 and 3:59 a.m. and between 8 and 9:59 p.m.

In the greater Juneau area in 1999, according to the report, 961 people were injured in vehicle accidents, 17 of them seriously. Two died.

Juneau had most of its accidents in the months of January and February; the least in April and August. Statewide, accidents happened less under rainy conditions than under cloudy and clear conditions.

Property-damage-only accidents were unchanged in Juneau, but total accidents increased for 1999 due to higher numbers of injury and fatal accidents.

\*\*\*\*\*

Ann Chandonnet can be reached at [achandonnet@juneauempire.com](mailto:achandonnet@juneauempire.com).

Juneau Empire 11 February 2001

FAIRBANKS

## Daily News - Miner

"Independent in All Things . . . Neutral in None"  
 Established in 1903

CHARLES L. GRAY  
*Publisher Emeritus*

MARILYN F. ROMANO  
*Publisher*

KELLY BOSTIAN  
*Managing Editor*

BRIAN O'DONOGHUE  
*Editorial Page Editor*

### The whole toolbox

Lowering the state's drunken driving standard from .1 blood-alcohol content to .08 won't do much to stop the most dangerous, habitual offenders whose intoxication at the scene of horrific accidents sadly registers two or three times the legal limit.

Suspensions, likewise, are insufficient to protect the law-abiding public from individuals with a history of ignoring such paper penalties.

Incarceration, confiscation of vehicles, and mandatory participation in alcohol treatment programs offer better means for protecting the law-abiding public from the carcening path of repeat offenders.

On the other hand, individuals inclined to mix drinking with driving are likely to sip more cautiously if lawmakers lower the state's intoxication standard. The specter of a mandatory stay in jail, stiff financial penalties and the irritations of a significant period of license suspension might be the deciding factor in passing up that 'one for the road' that slows a generally responsible individual's reactions to a dangerous, potentially tragic degree.

All of the above-suggested approaches to curbing drunken driving and more are before lawmakers this session. At last count, there were nine House or Senate bills with provisions addressing the subject from various angles.

The point here is that no mandatory jail sentence or fine, no single adjustment of the state's intoxication standard, and no one approach to treatment can be expected to achieve the goal of protecting law-abiding Alaskans from the threats posed by drunken drivers.

The only long-term solution is in educating all Alaskans about the public dangers and personal risks that go with taking the wheel in a drunken or impaired state. That's the mission this society thrusts upon its law officers. It's up to lawmakers to give troopers, police and public safety officers all the necessary legal leverage, backed by sufficient funding, to rid our roads of drunken drivers.

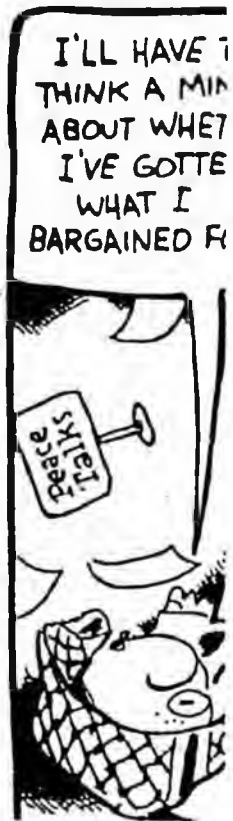
Alcohol abuse is so pervasive in Alaska--the mission requires a full assortment of prosecutorial tools and treatment programs.

### Mandatory sentences should go to drunk drivers who injure, kill

Are you really tired of drunk drivers? The answer is simple. Write or telephone your state legislators and ask them to enact minimum mandatory drunk driving laws. Many other states have in place laws that carry five-year minimum mandatory jail sentences for each person killed in drunk driving accidents. Alaska could go a step further to include a two-year minimum mandatory jail sentence for each person injured in a drunk driving accident. While we're at it, let's make this law include all the people using illegal drugs that impair driving as much or more than alcohol.

Minimum mandatory sentences mean the legislative command must be unequivocal since courts hesitate to find their judicial discretion curtailed. The Legislature normally provides explicitly for the mandatory sentence by stating a certain minimum sentence be imposed and that it may not be suspended nor may the defendant be released on probation or parole until that minimum term has been served. Write your legislator today.

— Gladys Wilson  
Anchorage



JUNEAU EMPIRE 28 Feb 2001

## LETTERS

### The cost of DWI

I am saddened by the remarks of our legislators as reported in your Feb. 23 article, "DWI bill trimmed to chop price tag." The projected cost of \$100 million a year for the tougher DWI bill is a fraction of the cost that we as citizens pay every year for alcohol-related crashes. In 1998, the 2,850 alcohol-related crashes cost the citizens of Alaska \$300 million. These statistics are from the National Highway Traffic Safety Administration's Web page at <http://www.nhtsa.dot.gov>.

But all these numbers are just that - numbers. They don't take into account the tragedy of the loss of a human life. Every year in Alaska at least 30 people die in alcohol-related crashes and another 1,700 are injured. How many million dollars is one life worth? DWI is epidemic in our society. One out of every three people in the U.S. will be involved in a DWI accident in

their lifetime. Look around you, count two others, one of you will be in a DWI accident. This means it could be your family that gets mowed down by a drunk driver.

We, the people of Alaska, need to address this problem not from the perspective of how much it is going to cost us. Why not look at this from the perspective of how much this is going to save us? Let's make the DWI laws so tough in our state that no one dares to drive drunk. Let's protect our loved ones and stop the senseless deaths on our highways. Every DWI accident was preventable if only the drunk driver had been deterred by a tough, no-nonsense DWI law. I challenge our legislators to take a new look at the present DWI legislation, keeping in mind our families and their own families. Stand up for what is right.

**Officer Howie Martindale**  
**Haines Police Department**

## **Drunken drivers can't reoffend if we take away their cars**

Drunken driving is two words. If somebody wants to get or stay drunk it's none of our business until they get behind the wheel. Then society can act to separate the drunk from his vehicle. Most proposed solutions are to separate the drunk from booze or society. That's impractical and expensive. Taking their vehicle, if necessary over and over, is easy and very effective. We do it occasionally but not nearly enough. Why not? I don't know, but without DWI cases there would be a lot of empty courtrooms and not near as many lawyers.

We have lots of victims of drunken drivers who have been convicted three to five times. We don't have to accept it; it's preventable.

— Alton E. Smith  
Anchorage

ANCH DAILY  
NEWS 2 MAR 2001

**adn.com**

Anchorage Daily News

## **Driver who hit woman on trail pleads no contest DWI: Elderly accident victim underwent 15 surgeries.**

By Molly Brown

Anchorage Daily News

*(Published March 14, 2001)*

The accused drunken driver who steered his pickup down a South Anchorage bike trail and struck an elderly woman out walking her dog last summer pleaded no contest on Tuesday to first-degree assault and leaving the scene of an accident.

Alfred Meyer, a twice-convicted drunken driver, had also been charged with DWI and driving without a license. His blood-alcohol level was 0.22, prosecutors said, more than twice the legal driving limit. Under a plea agreement, those misdemeanor charges will be dismissed at a sentencing hearing in June, said assistant district attorney Bob Linton.

Tuesday's hearing lasted about 10 minutes. Meyer, 37 and free on bail, was remanded into custody as his friends and family members tearfully watched. Donna Dobson watched, too, sitting for the first time in the same room as the man who changed her life.

Dobson, her husband, Bobby, and their toy poodle, Tiny, were walking on a pathway near O'Malley Road and the Old Seward Highway the evening of June 24. She was still recovering from knee surgery, and supported herself with the help of a cane and her husband. As they approached a bend in the trail, a 1989 Chevrolet pickup with Meyer at the wheel rounded the curve. Dobson's husband tried to push her out of the way, but the truck hit her.

Dobson, 70, was knocked out of her shoes, and landed face first in weeds and water 20 feet away, according to charging documents. The pickup also landed in the pond. Meyer and a passenger refused to help and left the scene as Hobson's husband pulled his wife from the water, police said. Meyer was arrested a short time later outside a nearby store.

Hobson spent five weeks at the hospital and underwent 15 surgeries. She suffered two broken hips, a broken leg, a punctured lung, a broken pelvis, broken tailbone and broken ribs, according to family members.

On Tuesday, she walked with a cane but said she was happy to have survived.

"It's nice to be alive and walking," she said.

The cane is necessary for balance when she leaves home. She said she can no longer take long walks on the trail.

She expressed sympathy for Meyer's friends and family who have to say goodbye to their husband, father and friend, but said she hopes Meyer's jail time will get his attention.

"He could have killed me," she said.

Meyer could be sentenced to prison for five to 20 years on the felony assault charge, and up to 10 years for leaving the scene.

Dobson and her husband filed a civil suit against Meyer and Amtal Corp., an Alaska company that owns Muffler City. Meyer is president of Amtal and manager of Muffler City, according to a complaint filed in court. Meyer was driving a company truck when he hit Dobson.

Meyer's was one of four high-profile cases involving suspected drunken drivers last summer.

Jessie Withrow, a college student, died in July after being struck by a pickup while riding her bicycle on a sidewalk at Minnesota Drive and West Northern Lights Boulevard. Russell D. Carlson, 39, was charged with second-degree murder, DWI and driving with a revoked license in that case. He has seven previous DWIs and is scheduled for trial in May, according to the District Attorney's office.

Days later, two other young women were hospitalized after colliding with a pickup heading the wrong way on East Northern Lights Boulevard. Albert T. Bowman, who has five previous DWIs, pleaded no contest to injuring the two women and will be sentenced later this year.

In mid-July, Robert Richardson killed two young boys and injured their grandparents when he drove his pickup into a car, according to charging documents. He is scheduled to change his plea next week, according to court records.

Reporter Molly Brown can be reached at [mbrown@adn.com](mailto:mbrown@adn.com) or 257-4343.

---

Close Window

Copyright © 2001 The Anchorage Daily News ([www.adn.com](http://www.adn.com))

**adn.com**

Anchorage Daily News

## **Driver who killed boys pleads**

**HEARING: Mothers, grandparents of two youths watch as man pleads no contest.**

**By Molly Brown**  
**Anchorage Daily News**

*(Published March 20, 2001)*

The mothers and grandmother of two boys killed last summer by a drunken driver held up pictures of their sons and grandsons in Anchorage Superior Court on Monday as Robert Richardson pleaded no contest to second-degree murder and first-degree assault.

For the first time, grandparents David and Patsy Glasen looked at the driver of a pickup that crossed the center line and slammed into their car on Portage Glacier Road. The crash sent the Glasens to the hospital with serious injuries. And also for the first time, Patty Kramer, mother of Kenneth Kramer, 11, and Sue Johnson, mother of Kevin Blake, 15, put a face to the man who killed their sons.

Richardson, 36, barely looked up.

He was originally charged with driving while intoxicated, two counts of manslaughter and first-degree assault.

On July 12 Richardson drove his red Ford F-150 pickup down Portage road. He ran off the road; a tow truck pulled his vehicle out of hood-deep water. About 20 minutes later he hit the Glasens and their grandchildren. After the accident, Richardson told an officer he had drunk about a six-pack of beer, according to charging documents. His blood-alcohol level was 0.175, nearly twice the .10 legal driving limit. Richardson thought he was near Wasilla, charging documents said.

Blake and Kramer and their grandparents were on their way to Whittier to go fishing. Blake was driving with a learner's permit, his grandfather at his side. Kramer sat behind Blake in the back seat, next to his grandmother.

Both boys died instantly.

"My mom and dad always say how they wish it was them who had died," Johnson said as tears rolled down her face. "I really miss him so much."

Johnson flew to Anchorage from Tatitlek with her two daughters for Monday's short hearing, and the Glasens flew in from Cordova. Kramer and her son drove into town from Palmer. Kramer today planned to go to Cordova, where her son and his father are buried side by side. Today Kenneth Kramer should have turned 12.

"This whole thing," Kramer said. "Just don't drink and drive."

"This whole thing is so preventable," Johnson said. "Somebody has got to do something."

They held up pictures so no one would forget. They also displayed bumper stickers that urged people to remember the two boys before they drink and drive. The bumper stickers are plastered on cars and walls in the Mat-Su area, Valdez, Cordova and as far away as Michigan, Johnson said.

"Maybe they will see it and stop and go: 'Man, I am not going to drive. I'm going to take a cab.'" Johnson said.

David Glasen has written letters to state legislators, urging stricter DWI punishments and education programs for youngsters. Glasen endured a broken hip and leg in the crash and was released from the hospital in October. He goes to therapy three times a week and walks with a cane.

"No matter what the sentence is for Mr. Richardson, it's not going to bring my grandsons back," he said. "This was preventable."

Richardson's sentencing is scheduled for June 26. He faces 10 to 99 years in prison for the murder charge and at least five years for assault.

Reporter Molly Brown can be reached at [mbrown@adn.com](mailto:mbrown@adn.com) or 257-4343.

Close Window

Copyright © 2001 The Anchorage Daily News ([www.adn.com](http://www.adn.com))

HB 4 5% BAC assumption fiscal notes

**Subject: HB 4 5% BAC assumption fiscal notes****Date: Fri, 27 Apr 2001 09:27:59 -0800****From: Janet Seitz <Janet\_Seitz@legis.state.ak.us>****Organization: Representative Norman Rokeberg, Alaska State House****To: Mike\_Tibbles@legis.state.ak.us**Amendment  
#1

Mike:

I think you have all of this but just in case: (FY 2002)

<u>Department</u>	<u>CSHB4(JUD)</u>	<u>5% BAC assumption and source</u>
Court	\$368.6	\$332.6 - 4/19/2001 letter
Administration		
DMV	\$206.6	\$206.6 - 4/11/2001 letter
Public Defender	\$457.0	\$386.9 - 4/17/2001 letter
Corrections	\$3,584.7	\$2,537.3 - 4/12/2001 letter (reduce Other to 294.6 also)
Law	\$753.7	\$633.5 - 4/13/2001 letter/
H&SS		
Alcoholism & Treatment	\$112.4	\$56.2 - 4/20/2001 e-mail
Treatment	\$582.2	\$291.1 - 4/20/2001 - e-mail
Public Safety	\$315.5	no change as not .08 assumptions included in fiscal noc

If you have any questions, let me know.

Janet

Janet Seitz <Janet_Seitz@legis.state.ak.us>
---

# STATE OF ALASKA

DEPARTMENT OF CORRECTIONS  
Commissioner's Office

TONY KNOWLES, GOVERNOR

431 N. Franklin Street, Suite 203  
Juneau, AK 99801  
PHONE: (907) 465-4652  
FAX: (907) 465-3390

April 12, 2001

The Honorable Norman Rokeberg  
Alaska House of Representatives  
State Capitol, Room 118  
Juneau, Alaska 99801

Dear Representative Rokeberg:

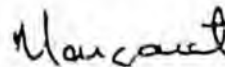
In response to your request for a fiscal note for CSHB4 (JUD) based on a presumed 5% increase in DWI offenses as a result of the lowered threshold, the Department of Corrections submits that a 10% increase more accurately reflects what will happen with this statutory change. However, per your request, the following is based on the 5% assumption.

.08 alone	FY02	FY03	FY04	FY05	FY06	FY07
5% inc.	599,774	555,437	572,421	589,404	589,404	589,404
10% inc.	1,211,134	1,183,781	1,217,748	1,251,715	1,252,715	1,252,715

In addition this will remove some money from the Receipt Supported Services funding source since fewer people will be paying into the general fund. It is estimated there will be \$100,749 less money paid by offenders toward cost of care.

If you have any further questions, please feel free to contact me.

Sincerely,

  
Margaret Pugh  
Commissioner

cc: Representative Bill Williams  
Mike Abbott

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 465-2075

April 13, 2001

The Honorable Norman Rokeberg, Chairman  
House Judiciary Committee  
State Capitol, Room 118  
Juneau, AK 99801-1182

Dear Representative Rokeberg:

The Department of Law believes that the projected 10 percent caseload increase resulting from lowering the blood alcohol threshold to 0.08 is more accurate. However, you have requested we provide you with cost information using a projected caseload increase of 5 percent.

Using the 5 percent caseload increase assumption, the Department of Law's fiscal note on CSHB 4 (JUD) would be reduced as follows:

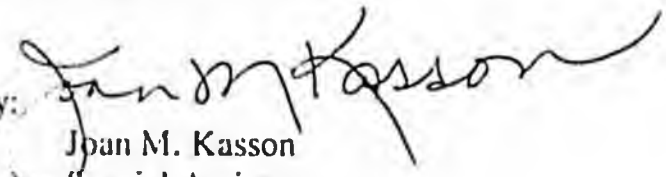
Component	100	200	300	400	500	Total	Fund Source
3 <sup>rd</sup> Judicial District: Anc	- 60.5	- 0.2	- 9.4	- 0.8		- 70.9	1004 GF
Collections & Support	- 17.4					- 17.4	1005 GF/PR
Total	- 77.9	- 0.2	- 9.4	- 0.8		- 88.3	

In addition, both the full-time attorney position we believe necessary for the Anchorage District Attorney's Office and the full-time Administrative Clerk II for the Collections unit would instead be part-time positions.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:

  
Joan M. Kasson  
Special Assistant

cc: Representative Bill Williams  
Mike Abbott

# ALASKA PUBLIC DEFENDER AGENCY

900 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501  
Tel: (907) 334-4412 (direct line) or 334-4400 - Fax: 269-5476  
e-mail: blair\_mccune@admin.state.ak.us

April 17, 2001

The Honorable Bill Williams *Room 511*  
Co-Chair, House Finance Committee  
Alaska State Legislature  
State Capital  
Juneau, AK 99801-1182

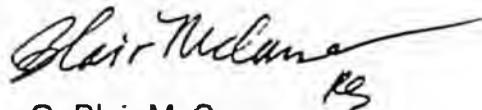
Re: CS HB 4(JUD) – Omnibus Drunk Driving bill.

Dear Representative Williams,

The criminal justice agencies were asked by the House Judiciary Committee to provide alternatives to our current fiscal notes. The alternatives were to be based on the assumption that decreasing the blood alcohol level for driving under the influence of alcohol to .08 will only result in an increase of 5% in our caseloads.

Attached to this letter is a spreadsheet that shows a one-half reduction in the Alaska Public Defender Agency costs for the .08 reduction. The resulting decrease in the total is also provided.

Sincerely,



G. Blair McCune  
Deputy Public Defender

cc: Ms. Janet Seitz  
Staff to Representative Rokeberg

Mr. Mike Tibbles  
Staff to Representative Williams

PUBLIC DEFENDER AGENCY  
HB 4 FISCAL NOTE

0.08	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	49.5	49.5	49.5	49.5	49.5	49.5
Travel	1.9	1.9	1.9	1.9	1.9	1.9
Contractual	13.7	13.7	13.7	13.7	13.7	13.7
Supplies	1.1	1.1	1.1	1.1	1.1	1.1
Equipment	4.3	0.4	0.4	0.4	0.4	0.4
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>70.5</b>	<b>66.6</b>	<b>66.6</b>	<b>66.6</b>	<b>66.6</b>	<b>66.6</b>
<b>POSITIONS</b>						
Full-time						
Part-time	1	1	1	1	1	1
Temporary						

Vehicle Forfeiture	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	197.1	197.1	197.1	197.1	197.1	197.1
Travel	6.5	6.5	6.5	6.5	6.5	6.5
Contractual	22.0	22.0	22.0	22.0	22.0	22.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	26.0	2.6	2.6	2.6	2.6	2.6
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>255.6</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>	<b>232.2</b>
<b>POSITIONS</b>						
Full-time	4	4	4	4	4	4
Part-time						
Temporary						

Ten-Year Look-Back	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	41.8	85.1	126.9	174.5	174.5	174.5
Travel	1.7	3.5	5.2	7.0	7.0	7.0
Contractual	13.1	26.3	39.4	52.6	52.6	52.6
Supplies	0.9	1.9	2.8	3.8	3.8	3.8
Equipment	3.3	3.6	3.6	3.6	1.2	1.2
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>60.8</b>	<b>120.4</b>	<b>177.9</b>	<b>241.5</b>	<b>239.1</b>	<b>239.1</b>
<b>POSITIONS</b>						
Full-time	0.5	1.0	1.5	2.0	2.0	2.0
Part-time						
Temporary						

TOTAL PUBIC DEFENDE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	288.4	331.7	373.5	421.1	421.1	421.1
Travel	10.1	11.9	13.6	15.4	15.4	15.4
Contractual	48.8	62.0	75.1	88.3	88.3	88.3
Supplies	6.0	7.0	7.9	8.9	8.9	8.9
Equipment	33.6	6.6	6.6	6.6	4.2	4.2
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>386.9</b>	<b>419.2</b>	<b>476.7</b>	<b>540.3</b>	<b>537.9</b>	<b>537.9</b>
<b>POSITIONS</b>						
Full-time	4.5	5.0	5.5	6.0	6.0	6.0
Part-time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

TONY KNOWLES, GOVERNOR

Jim Duncan, Commissioner

**DEPARTMENT OF ADMINISTRATION**  
***DIVISION OF MOTOR VEHICLES***

3300 FAIRBANKS ST  
 ANCHORAGE, AK 99503

PHONE: (907) 269-5559

www.state.ak.us/dmv

April 11, 2001

Norman Rokeberg, Representative  
 State of Alaska  
 House of Representatives  
 State Capitol, Room 118  
 Juneau, AK 99801

Dear Representative Rokeberg:

I am replying to your request for fiscal information reflecting a five percent increase in DWI arrests as a result of lowering the state's BAC level from .10 to .08 as proposed by the CS HB4 (FIN).


States that have implemented a .08 BAC and information from the U. S. Department of Justice report arrest rate increases of as much as twenty percent. The Division of Motor Vehicles (DMV), whose administrative DWI license revocation process is separate from criminal processing and court action on these cases, maintains that a more valid assumption is a ten to fifteen percent increase. That said, if a five percent increase is assumed, DMV's costs would be:

1 PFT Hearing Officer, Range 16	\$55.1
Equipment & associated costs	9.0

I communicated this information to Janet Seitz via e-mail a few weeks ago and explained that a five percent assumption would eliminate the additional one PFT support position and associated equipment and costs in the detail portion of the .08 section of our fiscal note. This is reflected in our revised fiscal note for CS HB4 (FIN) which has been submitted

Amendments made in House Judiciary Committee changed construction of the note. The "Administrative Hearings" section of our revised note reflects the reduced assumption for .08 but reflects a slight increase in the total because it includes the additional hearings anticipated from plate seizures and vehicle registration revocations as proposed in five sections of the bill. You will note that the "Hearings" portion of our fiscal note now reflects notice and re-registration costs related to the vehicle registration revocations. As long as the registration revocation provisions remain in the bill, the support position and related costs are necessary. A total cost of \$64.1 would apply only if registration revocation provisions are eliminated and all that remains to affect DMV is .08.

Sincerely,

A handwritten signature in cursive script that reads "Mary Marshburn". The signature is written in black ink and is positioned above the typed name and title.

Mary Marshburn  
Director

Cc: Representative Bill Williams  
file

**Ten Year Summary  
Alcohol Related Traffic Arrests  
1991 Through 2000**

Alcohol Arrest Incidents	Number of Offenders	Percent of Offenders
1	31499	73%
2	7944	19%
3	2475	6%
4	725	2%
5	213	0%
6	56	0%
7	11	0%
8	3	0%
<hr/>		
<b>Ten-Year Total</b>	<b><u>42,926</u></b>	<b>100%</b>

Year	DWI Arrests
1991	5,875
1992	6,437
1993	6,576
1994	6,374
1995	6,077
1996	5,969
1997	5,307
1998	5,577 *
1999	5,580 *
2000	5,442 *
<hr/>	
<b><u>59,214</u></b>	

\*For the time period 1998-2000 the number of breath tests in the .08 - .0999 range totaled 685

Source: Department of Public Safety  
March 19, 2001  
Alaska Public Safety Information Network  
Criminal History Records

# STATE OF ALASKA

**DEPT. OF HEALTH AND SOCIAL SERVICES**

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

March 21, 2001

Rep. Norm Rokeberg  
State Capitol, Room 118  
Juneau, AK 99801-1182

## RE: Eliminating ADA Waiting Lists

Dear Rep. Rokeberg:

You have asked us for information about the cost of eliminating the waiting lists for Alaskans who are in need of treatment for alcoholism or drug abuse. The Department of Health and Social Services is pleased to provide this information in response.

### Executive Summary

The cost of eliminating the waiting lists is estimated here as follows:

FY2002 capital costs:	\$950.0
FY2002 operating costs:	\$4,090.6
FY2003 operating costs:	\$1,241.0
Total:	<u>\$6,281.6</u>

### Need for Treatment vs. Waiting lists

We note that there is a difference between the number of Alaskans currently on waiting lists, the number of people who would enter treatment if it were immediately available but who are not currently on a waiting list, and the total number of Alaskans who need treatment.

The overall need for treatment is defined as "those persons whose problems with alcohol and other drugs, if identified, would be diagnosed as in need of treatment." According to a Gallup Poll completed for the DHSS / Division of Alcoholism and Drug Abuse (the

Division), about 58,000 adult Alaskans fit this category. Public treatment programs funded by the Division see about 7,500 persons a year. The unmet need for treatment could be defined as the difference between these two numbers, which is 51,500 people.

Waiting lists are only one measure of the general need for alcoholism and drug abuse treatment services. Waiting lists could be characterized as representing those persons most highly motivated to seek treatment. Many Alaskans who need treatment are not on waiting lists. A waiting list is composed of persons who:

- Contact a treatment agency,
- Are seeking help and willing to identify themselves (which means they must give their name and contact information),
- Are willing to be assessed and placed on a waiting list (which means answering personal questions without receiving any treatment in response),
- Are willing, in some cases, to receive interim education and information on HIV/AIDS and tuberculosis.

In addition, the waiting list only represents those persons identified and placed on a list by existing programs in local communities. If a person in a community with limited services needs a higher level of care than local programs provide, that person may rely on the local program to contact other programs in search of care for them, and thus go unrepresented on any waiting list.

The current waiting list has 233 persons waiting for inpatient treatment, 81 for outpatient treatment. For the reasons explained above, elimination of the list is a good first step, but it would not allow the State to provide treatment to everyone who needs it and who would accept it if it were immediately available. Elimination of the current waiting list is likely to result in the creation of a new waiting list within the next two years.

### **Waiting list Elimination Cost Summary**

The Division was asked to project the costs of eliminating the current waiting list. These costs are estimated to be as follows. More detailed explanation of these items is given in the following section titled "Justification of Cost List Summary."

Please note that some of the estimated costs are currently in the "funding pipeline," either in the FY2002 budget approved by the House, or as fiscal notes to existing bills. These have been broken out below to clearly identify needs that are in the process of being met:

**FY2002 Capital Costs (in thousands) (broken out by population served):**

Women with Children	\$750.0
Adult Long Term Care	\$200.0
<b>Total Capital Costs</b>	<b>\$950.0</b>

**FY2002 Operating Costs (in thousands) (broken out by population served):**

Women with Children	Women Subtotal	\$620.0
Adult Long Term Care	Adult LTC Subtotal	\$200.0
Families:		
<i>Rural Human Services</i>	\$750.0	
<i>Family Recovery Camp Staff</i>	\$200.0	
<i>Recovery Camp Devt.</i>	\$357.0	
<b>Costs Subtotal</b>	<b>\$1,307.0</b>	
(Minus Recovery Camp Devt. in House budget)	(\$100.0)	
	<b>Families Subtotal</b>	<b>\$1,207.0</b>
Adult Residential:		
<i>Correctional Beds</i>	\$563.6	
<i>Mandated by CS HB 4(TRA)</i>	\$694.6	
<i>Mandated by FN HB 172</i>	\$501.3	
<b>Costs Subtotal</b>	<b>\$1,759.5</b>	
(Minus Fiscal Note for CS HB 4(TRA))	(\$694.6)	
(Minus Fiscal Note for HB 172)	(\$501.3)	
	<b>Adult Residential Subtotal</b>	<b>\$563.6</b>
Adult Outpatient	Adult Outpatient Subtotal	\$962.3
Youth Residential and Outpatient: <sup>1</sup>		
<i>Establish Juvenile ASAP</i>	\$489.5	
<i>Juvenile Alcohol Treatment</i>	\$1,010.5	
	<b>Youth Subtotal</b>	<b>\$1,500.0</b>
<b>Total FY 02 Operating Costs</b>		
<b>if Fiscal Notes and H Budget included in final budget:</b>		<b>\$4,090.6</b>

<sup>1</sup> These will be included in the DHSS fiscal note for HB179.

**FY2003 Operating Costs (in thousands):**

<b>Full year operational costs of the women with children's programs created in FY 02:</b>	<b>\$1,241.0</b>
--	------------------

**Justification of Cost List Summary**

To explain the cost estimates used above, we provide the following supporting information about waiting lists and related factors. Supporting information is also given in this section about categories of treatment shown in the cost summary:

- Women with children
- Adult long-term care
- Families
- Adult residential care
- Adult outpatient
- Youth treatment

**Waiting Lists:**

The current waiting list identified by the Division is not evenly distributed by community, level of care needed, or characteristics of those persons on the waiting list. Below is a breakdown of the waiting list.

<b>Level of Care</b>	<b>Number on List</b>	<b>Communities</b>
<b>Outpatient care</b>		
Adult	81	Anchorage and Valdez
<b>Residential Care</b>		
Adult*	99	Anchorage, Bethel, Mat-Su, Fairbanks
Youth	8	Anchorage
Women	58	Anchorage and Fairbanks
Families	58	Family Recovery Camp (Old Minto)
<b>Total</b>	<b>223</b>	

*\*23 of these are in need of long term care*

This waiting list breakdown does not adequately map the need for treatment, because the location of available treatment is an important factor for some people and for some levels of care. **Outpatient** care must be provided in the patient's home community, as it is impractical for a patient to travel to another community for outpatient care. On the other hand, **residential** care may be provided either within or outside the patient's home community. When it is not locally available, however, the patient and providers must consider the difficulties and cost of travel, disruption for the other family members, the needs of children involved, and the availability of continuing care when the person returns to his or her own community. **Continuing** care must also be provided in the patient's home community, even if the treatment was received elsewhere.

Residential care is the level of care most often identified by the waiting list. This level of care is provided to three major groups: women with children, adults who need long-term care, and families. The needs of these groups are further explored below.

*Women with Children:*

**Factors affecting the treatment of women with children.** Residential treatment programs that serve women with children must frequently provide care for a longer period of time than is typical for treatment of single adults. Treatment is often followed by transitional care, including housing.

While the waiting list breakdown indicates that need exists in Anchorage and Fairbanks, that is in part due to the fact that existing programs are housed there. The clients may be from other communities.

These programs provide support for children, as well as treatment for women. It is estimated that when a woman enters treatment, two children typically come with her into care. On-site day care services can be used for working on parenting skills, assessing children's needs, and providing evening support for outpatient clients.

**Two facilities are needed.** Current facilities that house programs for women and children are at capacity. There is no physical space for them to expand. To fully eliminate the waiting list and to keep future lists manageable, at least two new facilities need to be developed. To serve this need, the Division would use a competitive process.

The waiting list currently is 58. Two programs that would serve seven to ten women each (plus 14 - 20 children) would be able to handle this increase. If women entered the program and spent 100 days, the program could treat about 62 women in a year. Since waiting lists are dynamic and there are more women waiting for care than are on the lists,

this capacity estimate is reasonable. Both capital funds and operating costs should be included in the estimate.

Capital costs:	\$750.0
Operating costs:	
FY 02	\$620.0
FY 03	\$1,241.0

The capital funding estimate would allow programs to draw 75% of costs for engineering, fire safety inspections and remodeling from a capital fund. The operating funds are for six months of operation in FY 02 and a full year of operations in FY 03. This is based on combined operating costs of \$200 a day (women and children care, on-site daycare, and other special costs). The actual computation is: 17 beds times 365 days per year equals 6205 bed days, times \$200 per bed day equals \$1,241.0

**Factors affecting costs.** When developing new facilities, time is needed to:

- Identify appropriate and available buildings
- Complete local building code review
- Complete local zoning review
- Complete needed remodel (fire and safety codes as well as programmatic needs)

When developing a new facility, a full year can pass before the first client is admitted to the new program, particularly in communities where local neighborhoods may oppose the placement of a facility nearby. During development, the program incurs costs for the above work and the initial hiring and training of staff.

Adult Long Term Care:

Many people on the waiting list need long term care. These programs often last 12 to 18 months, but cost less per day than more intensive short term residential care (such as 28-day programs). One existing program has some physical capacity but lacks staff to increase the number of persons served. Another program may be at physical capacity.

Another way to meet the need for adult long term care is to provide transitional housing in a community, enabling a shortened stay in treatment with program housing and continuing care on an outpatient basis. The Governor's budget included \$200.0 of MHTAAR for transitional housing. Targeting this housing at communities with long-term care waiting lists would reduce the waiting list.

To support this expenditure, given the size of the waiting list and the communities that need this level of housing, an additional \$200.0 in operating costs would be required. Additional staffing for the program with capacity would cost about \$200.0 (three staff at \$50.0 per staff, plus other costs such as food, program supplies, transportation, etc.).

Capital costs	\$200.0
Operating costs	\$200.0

Families:

Family treatment is a unique service at the Family Recovery Camp operated by Tanana Chiefs Corporation (TCC) in Old Minto. Capacity at Old Minto is limited both by physical space and also by the number of staff. Staff is critical for providing appropriate care for children, parenting training and initial outreach. Additional staffing for this program (with the other capacity being funded) would cost about \$200.0 (three staff at \$50.0 per staff plus other costs such as food, program supplies, transportation, etc.).

The Governor's budget requested \$357.0 for added recovery camp development, of which \$100.0 is funded in the current House budget for FY2002. Funding the additional \$257.0 requested is one response to this portion of the waiting list.

Families receiving treatment need adequate continuing care. Most families needing treatment are from rural areas and villages. Care provided at the Family Recovery Camp at Old Minto is enhanced by adequate continuing care when patients return to their village. Eliminating the waiting list and not providing the continuing care and support when they return home would diminish the care received in treatment. The Governor's budget requested \$750.0 for additional Rural Human Services staff in villages. These staff would provide needed continuing care, as well as serve persons waiting for admission.

Total operating costs:	\$1,207.0
------------------------	-----------

Adult Residential Care:

In adult residential treatment on a short term basis (meaning a length of stay less than 45 days), much of the state's current waiting list exists in Bethel. Currently the Bethel residential program has no physical capacity to serve more clients. If funds for transitional housing and for expanded Rural Human Services noted above were available, some of these clients could have their needs met in other ways.

Several projects are currently in the pipeline that would help Bethel meet the treatment needs of local residents.

A residential program for adolescent inhalant abuse is being developed using federal funds. And the fiscal note for HB 172 would fund a wellness court pilot site in Bethel, thus increasing the program's outpatient capacity. Also, the fiscal note for CS HB 4(TRA) would fund additional outpatient treatment, which is likely to reduce the waiting list for residential treatment. Some people who could be adequately treated as outpatients may be on the residential waiting list due to lack of locally available outpatient services. This issue is also discussed in the following section, "Outpatient," but the fiscal notes for HB 172 and CS HB 4(TRA) are listed together in this section.

Operating Costs included in current legislation: \$1,195.9

Within the Division's budget there is a component for payment to local non-profits for residential treatment beds for person leaving Dept. of Corrections prisons. At present, the total funding available is \$563.6. With these funds we have 27 beds. For years, these funds have never covered the full costs of these beds, so other grant funds have been used. This has the effect of lowering overall capacity in these programs. The cost per day for 27 beds is \$57. This is about half the actual costs for most of the programs.

Operating Costs:                      \$563.6

If the full cost of these beds were covered in the Division's budget, this would free up funds in each of these programs that could increase either the residential or outpatient capacity. The beds are available in Anchorage, Kodiak, Juneau, Kotzebue, Bethel, and Fairbanks.

Outpatient:

With the funding of both the fiscal note for CS HB 4(TRA) and the fiscal note for HB 172 (wellness courts) much of the outpatient waiting list would be addressed. This is possible since many of the new cases would be funded, and some of the types of cases would be diverted to the wellness courts, thus allowing the current capacity to meet current needs.

If outpatient care is not available in a community, the client is forced to leave the community and enter residential care. Given high substance abuse problems in rural areas, base capacity needs to be developed in these communities. The Governor requested and the House budget includes funding to bring all rural Community Mental Health

Centers to a minimal level grant of \$200.0. To assure at least \$150.0 for substance abuse programs would require \$962.3 additional funds.

Program	Current Funding	Additional Needed
Galena	\$0.0	\$150.0
McGrath	\$128.4	21.6
Craig	\$146.5	3.5
Valdez	\$10.0	\$140.0
Cordova	\$72.3	\$77.7
East Aleutian Tribes	\$72.5	\$77.5
Aleutian Pribilof Association	\$73.0	\$77.0
Copper Center	\$0.0	\$150.0
Wrangell	\$93.1	\$56.9
Petersburg	\$106.6	\$43.4
Nenana	\$77.3	\$72.7
Aniak	\$58.0	\$92.0

Youth Treatment:

Youth are an underserved population needing treatment. Currently, the Alcohol Safety Action Program (ASAP) does not serve juveniles. Publicly funded youth residential treatment programs are available in Anchorage, Fairbanks, and Sitka only. Outpatient treatment for youth is only available in Wasilla, Anchorage, Juneau and Fairbanks.

**Factors affecting capacity for youth treatment.** The waiting list identified by the Division for youth outpatient and residential treatment is not an accurate picture of need. Youth tend to be more impatient for treatment than adults. They demand immediate response to their issues; absent that, they are less willing to be waitlisted. The Division identified eight youth waiting for residential care, all at one program in Sitka. Since this program does cohort treatment (i.e. all persons enter treatment at the same time and no one else is admitted until this cohort is discharged), one could expect a waiting list to contain the next cohort.

We are concerned that the need for treatment is not reflected in this waiting list information. Dept. of Motor Vehicles data indicates that in CY 2000, 1,048 youth lost their driver's licenses for their third minor consuming offense. Without an appropriate juvenile ASAP response, many of these youth's treatment needs are not identified.

The DHSS / Division of Juvenile Justice states that they have about 20 youth that they consider to be waiting for treatment but for whom treatment is not available.

HB 179, as written, would require that treatment be provided to the 1,048 youth who had a third or higher minor consuming conviction. In the Governor's budget the following increments were included:

Establish Juvenile ASAP	\$489.5
Juvenile Alcohol Treatment	\$1,010.5

These will be included in the DHSS fiscal note for HB179.

### Conclusion

Thank you for this opportunity to provide information about the cost of eliminating the waiting lists for Alaskans who are in need of treatment for alcoholism or drug abuse. The Department of Health and Social Services is pleased to provide this response. If we can be of further service, please contact us.

Sincerely,



Elmer Lindstrom, Special Assistant  
Department of Health and Social Services



# SETTING LIMITS, SAVING LIVES

THE CASE FOR .08 BAC LAWS