

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 0072

9477 HOUSE TRANSPORTATION

HB

11

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 11

Revision Date: _____
 Title: An Act relating to driver licensing.
 Sponsor: Representative Green
 Requestor: H. TRA

Dept. Affected: Public Safety
 BRU: Motor Vehicles
 Component: Driver Services
 COMPONENT SERIAL NO. 500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	22.9	36.7	36.7	36.7	36.7	36.7
TRAVEL	5.6	0	0	0	0	0
CONTRACTUAL	62.8	2.3	2.3	2.3	2.3	2.3
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	16.5	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	108.3	39.5	39.5	39.5	39.5	39.5

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES (1005)) Revenue Code	163.0	163.0	163.0	163.0	163.0	163.0
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts	77.1	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	31.2	39.5	39.5	39.5	39.5	39.5
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	108.3	39.5	39.5	39.5	39.5	39.5

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME	1	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 2/3/97
 Approved by Commissioner: *Ronald L. Otte* Date: 7/4/97
 Agency: Ronald L. Otte, Dept. of Public Safety

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In 1993, the National Highway Traffic Safety Administration (NHTSA) offered to state's direct grants to assist in the implementation and evaluate a graduated license system. In 1994, Alaska and North Carolina were the only two states to be awarded these grants. Alaska's grant was in the amount of \$77.1.

Traffic crashes are the number one cause of death for youth nationwide. Alaska statistics are no different than the national statistics.

The impact this bill has on the Division of Motor Vehicles is the issuance of the full driver's license after the provisional license period is over. This bill requires the person be re-issued a driver's license without the provisional license restriction. The person will be required to pay a duplicate license fee of \$10. The division issued approximately 10,000 driver's licenses in 1994 to individual's in this age group. This will generate approximately \$100.0 in new general fund program receipts.

A person of this age group will have the driver's license suspended for accumulation of points at the 8 point level instead of 12 points in a 12 month period. In 1995, 1,205 warning notices were sent to individual's in this age group. It is anticipated, this bill, will cause a deterrent effect on this age group and, approximately 500 of these individuals will not reach the 6 point accumulation. This will result in approximately 700 additional point suspensions yearly. Since the point suspension notices are automated, the cost the Division will incur is for the postage to mail the suspension notices to the individual. The law requires these notices to be mailed by certified mail return receipt. Postage rate for certified mail is \$2.52 each.

It is estimated, 90 percent of all persons whose license is suspended will reinstate their driver's license. A \$100.00 reinstatement fee is charged anytime a person has had their license suspended. This will generate approximately \$63.0 in new general fund program receipts revenue. The total amount of additional new general fund program receipt revenue generated by this bill is \$163.0

The following is a cost breakdown associated with Alaska's graduated license implementation grant.

Personnel Services.....	\$ 4.5 (Overtime cost associated with the grant administration.)
Travel.....	\$ 5.6
Contractual.....	\$60.5
Equipment.....	\$ 6.5
TOTAL.....	\$77.1

The following analysis is an estimate of the operational cost the Division of Motor Vehicles anticipates with the passage of this bill

	<u>FY98</u>	<u>FY99</u>
<u>PERSONAL SERVICES</u>		
1 Motor Vehicle Representative (Anchorage) 1/2 year FY98	\$18 4	\$36 7
Federal Grant Receipts	\$4 5	
<u>TRAVEL</u>		
Federal Grant Receipts	\$5 6	
<u>CONTRACTUAL</u>		
Postage 700 notices (certified mail) @ \$2.52 each	\$1 8	\$1 8
Computer (Mainframe Connection) yearly costs	\$0 5	\$0 5
Federal Grant Receipts	\$60 5	
\$9 6 Data Processing Fees		
\$30 0 Computer Programming		
\$6 6 Public Service Announcements and Brochures		
\$13 0 Public Opinion Survey		
\$1 3 Tuition-National Judicial College for Hearing Officer Training		
<u>SUPPLIES</u>		
Routine office supplies	\$0 5	\$0 5
<u>EQUIPMENT</u>		
1 Complete Computer Workstation	\$10 0	
One time costs		
Federal Grant Receipts	\$6 5	
Upgrade of Computer equipment and software		
<u>TOTAL</u>	\$108.3	\$39.5

Alaska State Legislature



Representative Joe Green

Sponsor Statement

HB 11 - "Licensing Requirements for Drivers"

HB 11 establishes new rules for young drivers. Due to the high incidence of accidents, injury, and death among teenage drivers many states, and other political jurisdictions, are changing the rules which grant teenagers the "license" to drive.

One strategy to reduce young driver accidents is the provisional licensing system. HB 11 establishes a graduated system whereby a new, young driver must begin his/her progression to "driver-hood" with a learners permit, graduate to a restricted, provisional license, and then, if driving performance has been satisfactory during the provisional period, an unrestricted license is awarded.

Language in HB 11 establishes certain conditions during the provisional stage which include restrictions on nighttime driving, so that driving takes place in less dangerous circumstances. Several states have laws which limit teenagers from operating motor vehicles during late evening or early morning hours. Studies in these states have shown that nighttime restrictions have significantly reduced accidents.

Finally, HB 11 is designed to allow the Department of Public Safety to take advantage of federal legislation (the "High Risk Drivers Act of 1993") which establishes monetary incentives for states that implement programs for young drivers. I believe that passage of HB 11, along with federal support, will help stop the teenage carnage on our highways.

DON YOUNG

CONGRESSMAN FOR ALASKA

WASHINGTON OFFICE

2331 RAABURN BUILDING

TELEPHONE 202 225 5769

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APR 09 1996



Congress of the United States
House of Representatives
Washington, D.C. 20515

April 1, 1996

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907 283 5808

Representative Joe Green
Alaska State Legislature
Room 24, State Capitol
Juneau, Alaska 99801-1182

Dear Joe:

Thank you for writing to request a letter of support for a bill you introduced to reform and improve safety on Alaska's highways. I appreciate hearing from you.

As a matter of policy, I rarely become involved in issues solely under the jurisdiction of the state. However, your bill, HB 57, appears to have great merit in that it provides a logical, orderly system of granting learner's permits and provisional driver's licenses to new drivers, who account for a disproportionately great share of fatalities on Alaska's roads. If this bill qualifies the state of Alaska for additional funds to implement the program, it will advance efforts to reduce the incidence of injuries and death among young Alaskans.

I am happy to assist you and hope you will let me know what I can do on the Federal level to expedite your endeavor.

Sincerely,

DON YOUNG
Congressman for all Alaska

DY/cnf

FRANK H. MURKOWSKI
ALASKA

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United States Senate

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109 MAIN STREET
KETCHIKAN, AK 99901
907/225-8880

March 27, 1996

The Honorable Joseph P. Green
Representative
Alaska State Legislature
State Capitol
Juneau, AK 99801

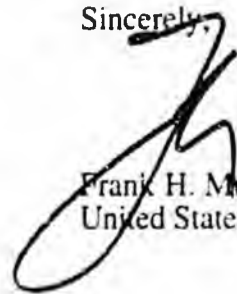
Dear Joe:

Thank you for providing me with an explanation of H.B. 57, your bill to allow provisional driver licensing to those 16-18 years old who have previously held a learner's permit, or those between 18 and 21 who have not.

I appreciate learning of your effort. The goal of reducing accidents involving young drivers is an important one, and your bill appears to be consistent with the provisions of Federal law.

Please keep me informed of your activities in this regard.

Sincerely,



Frank H. Murkowski
United States Senator

PR 09 196

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TED STEVENS ALASKA
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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

March 28, 1996

The Honorable Joseph Green
Alaska State Representative
Alaska State Legislature
Room 24
State Capitol
Juneau, Alaska 99801-1182

Dear Joe:


Thank you for your letter regarding H.B.57 which you recently introduced.

I am sorry to say that it is my general policy not to endorse legislation that is pending before the Alaska State Legislature since my job is to represent Alaska at the Federal and not the State level.

As a father I support efforts to keep kids off of the streets late at night and I hope that you are successful in your efforts to reduce fatalities among teenage drivers.

With best wishes,

Cordially,



TED STEVENS



MADD

Telephone: (907) 522-6233

FAX: (907) 522-6234

Mothers Against Drunk Driving

Anchorage Chapter
615 East 82nd Avenue, Ste. B 1
Anchorage, AK 99518-3157

January 30, 1997

Representative Joe Green
State Capitol Building
Juneau, Alaska 99801

Dear Representative Green:

On behalf of MADD - Anchorage's Board of Directors, staff and general membership, I write to express strong support for HB11. As we understand it, this bill would institute a graduated driver's licensing procedure for teenage applicants.

We are encouraged by the increased age of 22 requirement for the accompanying licensed instructor, although we feel age 25 is very prudent.

Again, you have our support for HB 11.

Sincerely,

Marti Greeason
Executive Director

A New Course for DRIVER'S ED

Teaching teens how to steer and stop was the primary focus of driver training programs for a quarter-century. Today, they emphasize decision-making.

Driver education has long been the butt of many a joke. When Mary Sue Terry campaigned for governor of Virginia a few years ago, she was fond of saying that her hometown was so small that driver ed and sex ed were taught in the same car. And it seems as though every baby boomer can recall a stout football coach screaming into a bullhorn and chasing after the one student who couldn't get his white Ford out of reverse until every orange cone in the high school parking lot had been flattened into the gravel.

These days, driver education is less an object of ridicule, but that's because fewer people are taking it.

At the peak of DE's popularity a generation ago, 14,000 high schools in all but

a few states were teaching more than 2 million student drivers each year. However, its effectiveness wasn't evaluated until 1975, when federal transportation officials undertook a longitudinal study of 15,000 student drivers in DeKalb County, Georgia.

Periodic project reports indicated that not only did DE courses appear to have little positive impact on safety but they might actually be harmful to students, who often became overconfident in their driving ability and exercised less caution. Parents of those taking driver education also tended to spend less time practicing with their children and were more likely to let them drive at night—a key factor in accidents.

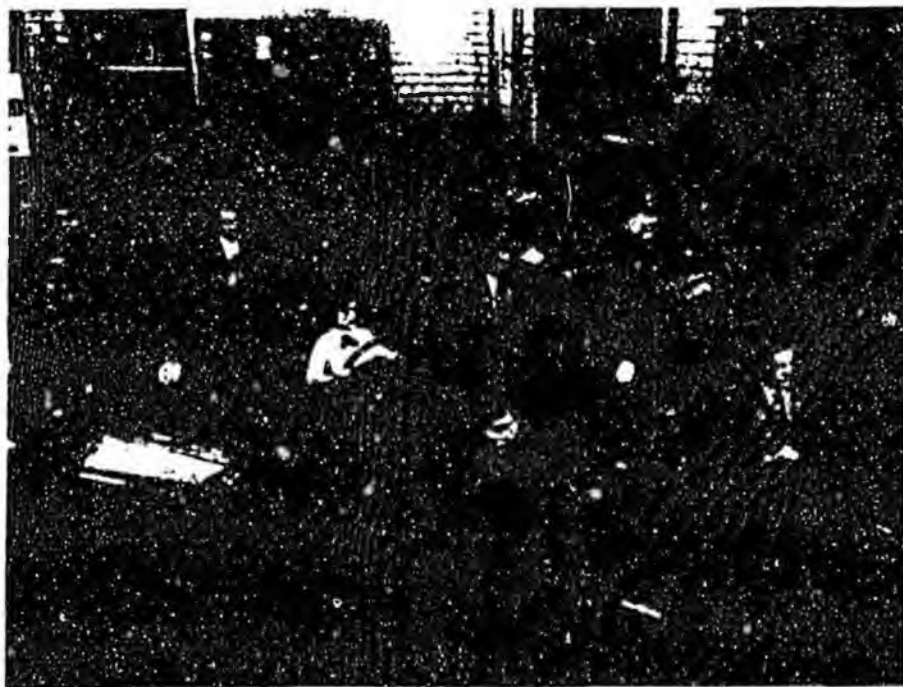
Given this evidence, as well as the

expense associated with the programs, DE was an easy target when states went looking to trim budgets during the early-1980s recession. Since then, nearly 20 states have removed DE from licensing requirements, and about half of all school districts dropped the courses after losing state funding for them. Many of those that still require driver education have modified it—keeping classroom instruction, for instance, while reducing or eliminating on-road training—or left it up to the private sector to offer courses.

But pointing to recent statistics that show the overwhelming cause of teen accidents is driver error, the National Highway Traffic Safety Administration, the Centers for Disease Control and Prevention, and the AAA Foundation for Traffic Safety have begun a crusade to resurrect driver education. "When you realize that 40 percent of 16-year-old males have been involved in police-reported crashes, it is obvious that something needs to be done," says Stephanie Faul of the FTS.

Even if that figure seems disputable, citizens and policy makers alike are well aware that motor vehicle crashes are the leading cause of death for 15- to 20-year-olds, and few would disagree with Faul's conclusion. Of course, there are no simple answers to the problem. But the current angle of attack focuses on implementing driver training courses that place as much emphasis on reducing risky behavior as on perfecting parallel parking.

The first National Conference on High School Driver Education, which convened in 1949, recommended that students receive 30 hours of classroom learning and six hours of driving instruction. This formula is still the



Driving simulators, with roadwa

safety experts say nearly 5,000 miles of driving experience are necessary for a student to become an "average" driver. And the textbooks used in DE courses—typically a summary of the state's driving laws, not a handbook for safer driving—have come under fire as well.

"DE has had its problems," acknowledges Allen Robinson, president of the American Driver and Traffic Safety Education Association. "The way it was taught was not done correctly." Indeed, learning

Although his bill was "dismissed" at the subcommittee level, Haskins is determined to rekindle the issue next year.

In Nebraska, state Senator LaVon Crosby proposed a study of driver safety and DE after a string of accidents last spring resulted in teen fatalities. DE is not mandatory or publicly funded in Nebraska, so students are responsible for paying for a course if they want the training. "Teens are not getting the right kind of education about driving," Crosby says, "and driver's

keep an unrestricted license, a driver must be 17 and not cause an accident or be ticketed for a moving violation for at least six months. "This makes Michigan the leader in the nation in comprehensive driver's training," declared Representative Dan Gustafson, as the bill he sponsored was signed into law.

Kentucky, which began a graduated licensing program October 1, requires all new drivers to practice with a permit for six months, up from 30 days. Permit-holders can only drive when accompanied by a licensed adult over 21, and they are banned from driving between midnight and 6 a.m., except to or from work or school or in emergencies. The new law also has a zero-tolerance provision related to blood-alcohol levels and requires all students to take a four-hour safety course or high school DE by age 18.

Several states have seen marked results from graduated licensing laws. California, Oregon and Maryland all have reported decreases of between 5 and 16 percent in crashes involving teens after their programs began. Still, the new approach is not without its detractors.

Last year, Virginia's General Assembly reviewed a study of graduated licensing in other states. The report concluded that such programs were effective in reducing teen accidents, and recommended a minimal crash-free period before a full license is issued. However, Richard Holcomb, the Department of Motor Vehicles commissioner, strongly opposed graduated licensing as an intrusion upon parents' right to regulate their own children. The graduated licensing bill that lawmakers passed this spring became law without the governor's signature.

In a separate effort to curb teen crashes, Virginia lowered the minimum age for a driving permit to 15 years, eight months to 15. The idea was to give students more time to practice driving with adult supervision before they obtain their full licenses. But while acknowledging the good intentions of the measure, some question why the additional hands-on-the-wheel experience needs to come at the younger end of the driver-training spectrum, when students are less mature.

George Hensel, owner of the California Driving School, believes that raising the age for unrestricted licenses—as Michigan did—is the most important step in improving teen driving safety. In fact, he would not allow his daughter to get her license until she turned 18. □

ABOUT A DOZEN STATES HAVE GRADUATED LICENSING PROGRAMS, WHICH EXTEND THE TIME IT TAKES TO QUALIFY FOR FULL DRIVING PRIVILEGES.

how to operate a car is only one facet of overall training; addressing teenagers' inexperience, inattention and sense of invincibility is now widely considered to be an even more fundamental issue.

Michael F. Smith, a research psychologist at the NHTSA who authored a 1994 report for Congress about DE, notes that teens are more likely than other drivers to speed, run red lights, make illegal turns and tailgate. They also perceive that they have less to lose by engaging in reckless behavior and more to gain in the way of peer approval. He believes that DE should focus on two objectives: improving the skills teens use to estimate risk and reducing teens' willingness to take risks.

The AAA Foundation for Traffic Safety, which aims to "reinvent" DE, has distributed a model curriculum outline to lawmakers and educators. Recommended reforms include less emphasis on mechanics such as turning and traffic laws. Instead, safety issues—identifying a safe distance between cars, road hazards and vehicle defects, as well as speeding and driving while intoxicated—are given equal weight.

Although states have yet to make sweeping revisits to driver education, legislators are showing increased interest in providing better ways to introduce young drivers to the skill. At least 14 states considered DE-related bills this year.

A measure introduced by state Representative Terry Haskins of South Carolina, for example, would have required 16-year-olds to take a DE course in order to obtain a license, as is the case in half of the states. But "there was not enough of a feeling that this is something we should do," he says

ed is a big part of understanding safety.

The most interesting legislative activity occurred this fall when Michigan repealed its requirement that public schools provide DE classes. But the move was not as against the grain as it might seem. While achieving their goal of reducing education mandates, lawmakers changed the letter but not the spirit of the state's driver training law. Students must still take lessons in order to obtain a license.

Starting next April, schools that offer the service will get an \$80-per-driver reimbursement from the state, but are responsible for making up the difference—roughly \$100—until 1998. At that point, while local schools must match the state's contribution, they can charge students a fee to cover the remaining cost of the program. In places that scrap DE, students can receive an \$80 voucher from the state to offset a portion of the cost of private driver training.

In the same bill, Michigan followed the lead of about a dozen other states that have implemented "graduated" licensing programs, which extend the amount of time it takes to qualify for full driving privileges. Michigan's three-tier process begins with a learner's permit for those at least 14 years, nine months old. They must take a training course with road instruction, pass written and vision exams, and cannot drive without an adult.

At age 16, a restricted license can be issued after students complete at least 50 hours of driving with a parent, including 10 hours at night, and pass a road test. Driving unaccompanied between midnight and 5 a.m. unless commuting to or from a job is prohibited.

Finally—and most notably—to get and

Anchorage Daily News

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Patrick Dougherty, Managing Editor

Gerald E. Grilly, Publisher, 1984—1993
Katherine Fanning, Editor and Publisher, 1971—1983
Lawrence Fanning, Editor and Publisher, 1967—1971
Founded in 1946 by Norman C. Brown

Young drivers

Let's start them off slowly

State Rep. Joe Green, R-Anchorage, wants to make it harder for teenagers to win full driving privileges. More power to him. The graduated licensing process he has in mind should help make Alaska roads safer for both youths and adults.

Rep. Green's bill is grounded in a reality that makes every parent of a teen worry. Young drivers simply have more accidents.

In Alaska, drivers age 20 and under are only 6.2 percent of the driving population, but they account for twice that number of accidents — 12.8 percent. (That's according to 1993 data from the Alaska Highway Safety Planning Agency.)

No doubt Rep. Green's idea will prove unpopular with Alaska youths. They'll naturally resent being barred from late night driving or having to maintain a clean record before getting full driving privileges.

At 16, a driver's license is a ticket to freedom, a chance to exercise new-found independence, to feel the power of sitting behind the wheel.

Unfortunately, that driver's license is often a ticket to something else — the hospital, or worse. And when young drivers make misjudgments, they aren't the only ones who suffer the consequences. Often their fellow passengers or other drivers wind up hurt or dead.

Contrary to what some youths may think, driving is not a right, it's a privilege — a privilege that carries a heavy responsibility. Creating a graduated

METRO

ANCHORAGE DAILY NEWS

MONDAY, April 22, 1996

STATE NEWS

Teen killed in early morning crash

A 16-year-old boy died early Sunday morning when the car he was riding in collided with another vehicle at C Street and 15th Avenue. Gunthar M. Burt was pronounced dead at the scene after the 1983 Oldsmobile he was riding in collided with a vehicle driven by Jose Elias, 22, of Anchorage, according to the Anchorage Police Department. Burt was riding in the back seat of a car driven by Casey Weiss, 17, of Anchorage as the vehicle headed east on 15th, police said. Elias was traveling south on C Street in the right hand lane when his car collided with Weiss' vehicle about 2:30 a.m., police said. Elias and Weiss were taken to Alaska Regional Hospital, police said. Weiss was in stable condition Sunday evening. Elias was treated and released, a hospital spokesman said.

Eagle River man dies in wreck

An Eagle River man died near Cooper Landing Saturday afternoon when the motorcycle he was riding crossed the center line of the Sterling Highway and collided with an oncoming tractor-trailer truck, according to the Alaska State Troopers. Terry Lynn Collins, 40, died at the scene about 3:30 p.m. near a curve at Mile 50 of the highway, troopers said. Collins' Harley Davidson collided with a westbound tractor-trailer truck driven by Gary L. Spruill, 45, of Kaslof, troopers said. Collins and his motorcycle were thrown into the eastbound lane and struck by a tractor-trailer truck driven by Charles Ashley, 23, of Soldotna. Ashley had been following the eastbound Collins. The truck Ashley was driving overturned after being sideswiped by Spruill's truck, which veered into the eastbound lane after colliding with the motorcycle, according to troopers. The truck operated by Spruill then collided with a pickup driven by Marvin Husek, 43, of Anchorage, troopers said. Husek had been behind Ashley's truck, troopers said. Spruill was taken to the Soldotna hospital for treatment, where he was listed in stable condition Sunday evening. Husek drove the pickup from the scene, troopers said.



Frontiersman

Steve Krohl
Publisher

Vicki Naegels
Managing Editor

Growing with the Valley since 1947

Prom night should be safe and fun

Recently, Houston High students witnessed a graphic illustration of what can happen when prom night (or any other night) revelry puts an intoxicated driver behind the wheel. Thankfully, the illustration was a mock accident, not the real thing.

This weekend, more local schools will hold their annual proms, and, in a few short weeks, graduation celebrations will mark another rite of passage. Unfortunately, both occasions tend to be marked with use of alcohol or other drugs by students, graduates and others.

Prom night, graduation and all such occasions should be full of memories that teens can carry with them forever. But they should be memories of joy and fun, not grief and terror. Nor should they be so blurred by controlled substances that they are only shadowy images of unrecalled acts.

Even though alcohol was not suspected in an April 28 crash that killed a Kasilof teen, Thomas K. Davis and his friends were returning from an after-prom party when Davis' car crossed the center line about 7 a.m. and drifted into the path of an oncoming vehicle on the Sterling Highway. Five others, including three of Davis' friends, were injured in the mishap. According to the Peninsula Clarion, all three teens have serious injuries, including back and head injuries.

Unfortunately, even this stark reminder of life's frailty will fail to sober some teens.

May each teen enjoy the end-of-the-school-year mer-
ment safely, sanely and soberly. The rest of your lives

4 hurt in car wreck remain hospitalized

17-year-old killed in weekend head-on collision on Sterling Highway

The Associated Press

KENAI — Four people seriously injured in a weekend accident that killed one of the drivers remained hospitalized Tuesday.

Matthew J. Reilly, 18, of Kenai was still in critical condition at Providence Alaska Medical Center, a spokeswoman said. His brother, Keegan R. Reilly, 15, of Kasilof, and another fellow passenger, Lucas F. Spruill, 19, of Kasilof, were upgraded to serious condition.

Harry R. Geron, 74, of Anchorage, a passenger in the second vehicle, was upgraded to satisfactory condition at Providence, a hospital spokeswoman said.

Thomas K. Davis, 17, of Kasilof was killed in the head-on collision Sunday evening on the Sterling Highway.

Davis was pronounced dead at the scene.

The teenagers were returning home from an 'after-prom' party in the Cooper Landing area when the accident occurred.

The teenagers were returning home from an "after-prom" party in the Cooper Landing area when the accident occurred, said Alaska State Trooper Robert Clark, who is investigating the accident.

The station wagon Davis was driving drifted across

the center line and into the path of an oncoming pickup truck, troopers said.

The pickup's driver, Joseph F. Connors, 54, of Anchorage, tried to avoid the other car but was unable to prevent the collision, troopers said. He was

treated and released at Central Peninsula General Hospital at Soldotna.

Alcohol is not believed to have been a contributing factor, but the cause of the crash remains under investigation, Clark said.

Chad Benson, 17, of Sterling and Levi Reilly, 17, of Kasilof, who had been following the station wagon when the collision occurred, dragged all six victims from the wreckage moments before both vehicles burst into flames.

"Troopers told me all six would have been dead if they hadn't pulled them out," said Benson's mother, Marlene Byerly. "They're having a real hard time right now. You don't feel much like a hero after you have a friend die in your arms."

Clark, the investigating trooper, was Davis' baseball coach.

"It's pretty tough when you pull the blanket off the kid's face and you know him," Clark said.

... Airport she was s in her her neck. own and the trek ar at the

challenged, and justice will prevail. "If it's my fault, I'm willing to take the consequences," she said. "I was prepared to go to the mat. I called the superintendent. I was going to move them, home school or whatever." Principal Lyons declined to comment.

1-breaking crowds

with ating in. leading

at growing Aces and ge hockey ced reve- at Alaska cent drew pany said. ment was a reserve nance proj-

ects on the building, which was completed in 1983. Meanwhile, another Project '80s building, the Alaska Center for the Performing Arts, roughly broke even last year, said the center's president, Von Roberts. The arts center ran on a \$2 million budget last year, with roughly half the money coming from city taxpayers, Roberts said. The rest comes mainly from corporate and individual donations and ticket sales. All told, the arts center took in \$2.35 million last year, Roberts said. Most of the surplus went to cover maintenance projects on the facilities, she added, though about \$10,000 is expected to land in a reserve fund for future maintenance. "We don't shoot to make money," Roberts said. "If we have a surplus, generally that's funded back into maintenance projects and events."

Bill seeks tougher driver's ed

The Associated Press

JUNEAU — Teen drivers would spend more time on probation before earning their full licenses under legislation approved in the state House to ease new motorists onto the highways.



The bill's sponsor, Rep. Joe Green, R-Anchorage, said the plan would establish a gradual licensing system that would require young drivers to work their way up to adult driving privileges. "As they learn and become more proficient, the restrictions are reduced until they obtain a full driver's license," Green said.

The proposal would set a curfew prohibiting drivers younger than 18 from operating a vehicle between 1 a.m. and 5 a.m. Curfew exemptions would be made for teenagers driving to and from work.

Please see Page B-3, DRIVERS

mean streets a little easier to travel

...shness. It by former n't see be- n, city-pro- treatment sit system. months of ers. During y once an method of is the ride o's bus. I choice of Dozen other e, a well- rk clothes, and very e 12, which at Alaska als. It also th on Tu- he Alaska ew buses, wheelchair d on routes d disabled.

Costello, a large, amiable man with collar-length hair and a mustache, has been working on Route 12 only as long as his bus. He got the route in part, he said, because other drivers quit the transit department. "We don't have a lot of good morale in the bus barn," he said. Costello is originally from Butte, Mont. He first came north in 1971 to work in the Cook Inlet fishery. During the pipeline boom of the mid-1970s, he began working as a Teamster, often out of the Fairbanks hall, retiring after 20 years. He took up bus driving five years ago. "It's not as easy a job as it looks," he said. "Well, you drive in Anchorage, you know how it is. Nobody wants to be behind a bus." Costello lives in the Chugiak area. Three days a week, he clocks in at 6:49 a.m., out at 1:30 p.m., in again at 4:15 p.m. and out at 7:34 p.m. He works a longer fourth day to reach 40 hours. The split shifts allow the people in charge of the system to add buses during peaks in the

passenger load, but they make for long days. Since 1991, new drivers have received a lower hourly wage than their predecessors.

"A lot of people think us city workers are cutting a fat hog," Costello said. "I herd this bus around for \$33,000 a year." The transit department hopes to have all 48 of its buses replaced in two years and to start a shelter-building program this summer. But the things that local taxes pay for, like more frequent runs, are less likely. Until the mayor and Assembly move public transit up their priority lists, as they should, not many people are going to get to hear the buses talk.

They talk? "Wait a minute," Costello said as I got off the bus. He reached up to an overhead console and pushed a button. "Have a nice day," the bus said.

□ Mike Doogan's opinion column appears in the Daily News each Tuesday, Friday and Sunday. His e-mail address is: mdoogan@pop.adn.com.

Street Closure

Blocks of C Street will be closed to through traffic on the weekend while repairs are made to a water main. All bound lanes of C Street between 34th and 36th avenues will be closed from 7 a.m. today until 7 p.m. today until 7 a.m. Monday morning. A detour will direct traffic on C Street around the project, city officials said. C Street will be reduced to one lane of traffic between 34th and 36th avenues to accommodate traffic. The section of C Street that broke has been repaired and water has been restored to serve businesses and homes in the area. No one will be allowed to cross C Street to get water while the repairs are made, officials said.

Daily News staff reports

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ALASKA
PROPOSALS
SERVICES

The services of a professional estimator to prepare a new estimate. ALP. The estimated three-step process will be outlined in a Advisory Circular.

March 15, 1996
Scope of work

the expense report Thursday, but she said the cost of Anchorage had the highest at \$13,970.

DRIVERS: Bill seeks probation for teens

Continued from Page B-1

In 1994, 16- to 20-year-olds made up 6.2 percent of the total drivers in Alaska but accounted for 12.9 percent of the car accidents in the state, according to the Alaska Highway Safety Planning Agency. That group also accounted for 29 percent of the state's fatal crashes.

The measure would still allow teens as young as 14 and 15 to get instruction permits, but they would have to drive

with another motorist at least 25 years old, instead of 21 as the current law requires.

At age 16, they would be eligible for a provisional driver's license so long as they have held a learner's permit for at least six months. By age 18, they could apply for a full driver's license after holding a provisional license for at least a year.

The bill now goes on for Senate consideration.

Anchorage Daily News

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NATURALIZED

METRO

FRIDAY, February 2, 1996

ANCHORAGE DAILY NEWS

Willwaw parent bound for detention



Phi Pea cos GOP top ex

By DIRK MILLE
The Associated P

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John L. George & Associates
3328 Fritz Cove Road
Juneau, Alaska 99801
Tel. 907 789-0172 Fax 907 789-6964

February 4, 1997

The Honorable Joe Green
House of Representatives
State Capitol
Juneau, Alaska 99811

Reference: House Bill 11

Dear Representative Green

On behalf of the National Association of Independent Insurers, a property and casualty insurance trade association, I want to thank you for introducing HB 11. The NAII believes that passage of HB 11 will result in reduced accident rates for young inexperienced drivers and will dramatically impact the frequency of late night and early morning accidents which statistically are the most serious and often fatal accidents for teenagers.

By targeting the inexperienced youthful drivers, this bill assures that each of them learns to drive with proper supervision and mature guidance. By teaching proper respect and responsibility to youthful drivers as they are just learning to drive, the stage is set for a lifetime of responsible motor vehicle operation. Legislation that serves to protect young drivers and instills good lifetime driving skills is always worthwhile.

NAII urges passage of HB 11. We believe that it will have a large positive impact on accident rates and accident severity for youthful drivers.

Sincerely,



John L. George



Adolescent Health Research Updates

Supplement to the Adolescent Health Plan

No 2 — January 1997

Research Updates are periodically distributed from the Alaska Adolescent Health Advisory Committee (AHAC). AHAC believes that effective planning for the health of Alaska's adolescents should have a strong scientific basis. *Alaska's Adolescents: A Plan for the Future*, the 1994 publication by AHAC, was the product of the committee's review of research related to adolescent health at that time. In order to stay current with new information, AHAC continually reviews research dealing with a broad range of adolescent health topics. Summary reports are prepared by AHAC members for distribution to people interested in teen health, especially those who use *Alaska's Adolescents* as a guide for their efforts in the field. Feedback about the usefulness of these updates would be welcomed.

Unintentional Injury Among Adolescents

Injury is crippling our youth. Both national and state statistics report its toll.^{1,2,3} Nationally, each year more lives are lost to injury than to all combined causes of death during the entire Vietnam war.¹ In Alaska, as in the nation, injury is the leading cause of death among youth aged 10-19.² Young people today die mainly as a result of injury from contact with vehicles, alcohol and firearms.²

What could prevent these deaths? There are many strategies that have been shown to prevent injury deaths. The licensing of all-terrain vehicle (ATV) users, curfews, helmet use, and the enforcement of alcohol laws are examples of effective means of saving lives.⁴

Injuries are considered either intentional (e.g., assaults, homicide, suicide) or unintentional (e.g., motor vehicle & bicycle crashes, drowning). Because subsequent reports will address violence and suicide, this report will focus on unintentional injury. Research on injury prevention demonstrates that unintentional injuries are predictable and preventable. The term "accident" is not used because it implies that the incident is unavoidable.

percent of high school students admit to drinking while driving in the 1995 YRBS. (21)

Costs

While the U.S. Congress continues to limit the Center for Disease Control and Prevention (CDC) budget to study injury, the costs of injury to the U.S. public continue to rise. In Alaska, the cost of each hospital stay for each motorcycle injury patient who was not wearing a helmet is about \$27,000. Motor vehicle patients who were not wearing seat belts cost \$18,000. each.⁹ National figures show that 60% of motorcycle injuries associated with no helmet use are paid by Medicaid.¹ That means that the private decision to take risk comes right out of the public's pocket.¹

Injury Prevention

Approaches to injury prevention have evolved from faulting the victims to applying the public health disease model. The most recent approach involves "the 3 E's" of education/behavior, engineering/technology, and enforcement/legislation. Research has shown that in general, the engineering approach is more effective than the enforcement approach, and that education has been least effective.² Modifying the environment of individuals—through engineering or public policy—seems to be the most successful way to reduce the greatest number of injuries.

Ten years ago Frederick Rivara published a report that outlined the means for preventing injury to children.¹⁰ Although it reflects what we know about effective injury prevention, the methods have not been consistently employed. What seems to be lacking is political will. Actions that can prevent a third of the deaths among children are not being taken.

This section summarizes what is known about prevention strategies for the three major causes of death among teens in Alaska: vehicles, drownings, and guns.

Vehicle Injury

Vehicle injury is the most thoroughly studied as well as the most frequent cause of death. Fortunately, it is very clear that the following approaches all would reduce the incidence of vehicle injury:



- 1) increase in the price of alcohol (tax)⁴
- 2) curfews (that eliminate the dangerous driving hours)⁴
- 3) use of motorcycle helmets⁴
- 4) use of bicycle helmets⁴
- 5) use of seat belts⁴
- 6) decrease in speed limits (the recent national increase is expected to cause at least 4000 more deaths each year)⁴
- 7) decrease of legal blood alcohol level¹¹
- 8) delay of licensing and/or provisional licensing¹¹
- 9) graduated licensing²⁷
- 10) community based, coordinated, comprehensive programs to alter social norms in all age groups.¹¹

Research shows the following does not work:

- 1) driver education programs (which, instead, seem to put inadequately trained teens onto the highways earlier)¹
- 2) alcohol education programs alone, without license suspension following DWI convictions.⁴

In Alaska, the impact of ATV and snowmachine use is also significant. The American Academy of Pediatrics recommends drivers be licensed for snowmachines.¹² The National Committee for Injury Prevention and Control (NCIPC) recommends age and use controls on ATV's.⁴ Alaska injury prevention experts also recommend the use of helmets for snowmobiles and ATV's.²⁰

Drowning

Drownings represent almost 25% of unintentional deaths in Alaska. What would prevent them includes:

- 1) use of personal flotation devices (PFDs)⁴
- 2) laws, with funding for enforcement, requiring the use of PFDs⁴
- 3) blood alcohol laws applied to boating.⁴

Guns

Guns are a major factor in both unintentional and intentional injury. It is difficult to separate the research on violence, guns and unintentional injury because the studies often include suicide, homicide and "accidents". What is clear is that the states that have the most guns, have the most injuries from guns.¹³ Detroit has more gun deaths per capita than Northern Ireland during its worst IRA troubles.¹ According to national researchers, at least half of our homes have firearms.¹⁷ Half of

Sectional Analysis HB 11

An Act establishing a provisional drivers license

by Representative Joe Green

Sec. 1 Amends the restriction on the issuance of a drivers license to include a provisional license for drivers between 16 and 18.

Sec. 2 Increases the age of the person that must accompany the permit holder from 19 to 22.

Sec. 3 Establishes the provisional drivers license. Under AS28.15.055. the department may issue a provisional license to an applicant between the ages of 16 and 18 if the applicant has held an instructional permit for at least six months.

AS28.15.057 establishes who is required to hold the provisional license. (a) states that an applicant between 16 and 18 may not be issued an unrestricted drivers license until: (1) they have had an instructional permit for six months; (2) a provisional license for one year. (b) establishes that a driver with a provisional license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m., except along the most direct route between the drivers home and place of employment.

Sec. 4 Allows the department to suspend, revoke or deny an instructional permit or provisional license for the accumulation of eight or more points in a 12-month period.

Sec. 5 Conforming definitional language which includes "provisional license" under the definition of "drivers license" or "license".

HB 11

The Provisional Licensing System

1st step - Instructional Permit. An applicant at least 14 years old may apply for, and be issued an instructional permit.

2nd step - Provisional License. In order for an applicant between 16 and 18 years old to receive the provisional license the applicant must have held an instructional permit for six months.

If the permit or provisional license holder accumulates eight or more points during a 12-month period their permit or license is suspended, revoked or denied.

3rd step - Unrestricted License. In order to receive an unrestricted drivers license an applicant under 18 years old age must have held a provisional drivers license for at least 1 year.

FACT SHEET

April 1994

STATE LEGISLATIVE

Graduated Driver Licensing System

The United States Department of Transportation's National Highway Traffic Safety Administration (NHTSA) believes that state graduated driver licensing systems for young drivers can materially reduce crashes, injuries and deaths. A graduated driver licensing system is a multi-tiered program designed to ease young novice drivers into the driving environment. It is implemented through controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure.

Graduated/Provisional Driver's License Systems Work

Under this system, novice drivers are required to demonstrate responsible driving behavior (no convictions or crashes for a specified period) in each stage of licensing before advancing to the next level. For example, there may be a six-month learning stage and one-year intermediate stage prior to gaining full driving privileges. Currently, 13 states have multi-tiered or graduated driver licensing entry systems. They are: California, Colorado, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Oregon, Pennsylvania, Vermont, Utah, and West Virginia.

In 1977, NHTSA published a "model" entry level licensing program. Development of a Model System for Provisional (Graduated) Licensing of Novice Drivers: Final Report. The Maryland Department of Motor Vehicles then implemented and evaluated portions of a provisional licensing concept. Their program showed a five percent reduction in

crashes and a 10 percent reduction in traffic convictions for 16- and 17-year old provisional licensed drivers.

California's provisional licensing program became operational on January 1, 1983. The California Department of Motor Vehicles reported, December 1988, that there is evidence that the provisional licensing system reduced the rate of crashes involving 15-17 year-old drivers by 5.3 percent. In 1991, the Oregon Motor Vehicle Division reported that their program reduced crashes 18 percent for male drivers under age 18 with provisional licenses. New Zealand implemented a graduated licensing system in 1987 and reported in 1992 that the program has had a continuous 8 percent crash reduction for drivers under age 25.

NHTSA, in cooperation with the American Association of Motor Vehicle Administrators (AAMVA), completed in 1989 the development of "An Improved Driver Entry System for Young Novice Drivers." It is part of the AAMVA/NHTSA "Guidelines for Motor Vehicle Administrators" series of publications. The purpose of this proposed graduated driver licensing system, based upon the NHTSA "model" entry system, is to ease young novice drivers, under more controlled conditions, into the driving environment. This is achieved by (1) increasing the amount of their behind-the-wheel driving practice, (2) increasing their exposure to progressively more difficult driving experiences, and (3) requiring novice drivers to earn their full driving privilege by demonstrating crash and conviction free driving performance prior to full licensure.

U.S.
Department of
Transportation



National
Highway
Traffic Safety
Administration

Graduated vs. Provisional Licensing Programs

The terms "graduated" and "provisional" licenses have been used interchangeably in past years, but they are very different programs.

Provisional License: A provisional drivers license is issued to all drivers under a certain age, for example the age of 21 (or 18), and includes persons operating during the learning or intermediate licensing stages. At a minimum, the provisional license is distinctively different from a regular driver's license to facilitate enforcement of licensing and drinking age laws. The provisional licensee is subject to an illegal per se BAC level of zero percent and quicker driver improvement actions. All occupants of a motor vehicle being operated by them must occupy only seats designed for passengers and use available seat belts (i.e., no passengers riding in the cargo compartment of a pick-up truck).

Graduated Driver Licensing System: Based upon research and the experience of the States, a graduated driver licensing system has at least three stages: learner stage; intermediate stage(s), and full license stage. It includes some or all of the following features:

- (1) Successful completion of a basic driver education course and required a learner's permit for a specified period of behind-the-wheel training.
- (2) A second level driver education program (e.g., safe driving decision making skills) after the new drivers have acquired basic driving skills.
- (3) Require that a parent, or adult licensed driver age 25 or older, supervise basic driving practice and advance practice sessions during high risk (nighttime) hours.
- (4) Lower legal blood alcohol concentration (e.g., zero BAC) requirements for under age 21 drivers.
- (5) Nighttime driving restriction (e.g., no driving from 10:00 pm to 6:00 am) either as part of an intermediate licensing stage, or as a post-licensing driver improvement action.
- (6) More rapid driver youth-oriented improvement actions for accidents and violations.

- (7) Mandatory safety belt usage by all occupants and limitations on the number of passengers in a motor vehicle being operated by a teenager.
- (8) Demonstrated safe driving performance, i.e., having no crashes or convictions for a specified period of time prior to advancing to the next licensing stage (e.g. one year prior to full licensure).
- (9) Issue a provisional license to all drivers under the age of 21 that is distinctive from the regular driver's license (e.g. marked "PROVISIONAL," different colored photo background).
- (10) Require all suspended or revoked drivers being restored for traffic safety violations to be placed in a provisional driver's license program.

While many states are already implementing some features of the graduated/provisional licensing entry system, none is implementing a major portion of the features proposed. There is a need for States to review their novice driver programs in light of the California, Maryland, New Zealand and Oregon findings. We recommend that States seriously consider implementing a young driver graduated licensing system designed to ease young novice drivers into the driving environment. NHTSA and AAMVA can provide, at no cost to the states, technical planning and implementation assistance; also, limited financial assistance may be available to plan, implement and evaluate a state's program.

Key Facts

- In 1992, it was estimated that 40 percent of all deaths for people ages 15 to 20 (over 6,500), resulted from motor vehicle crashes.
- Young drivers represent 7 percent of the total driving population, but represent 14 percent of the drivers involved in fatal crashes.

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Young drivers are four times more likely to be in a crash than an adult, per mile driven. <input type="checkbox"/> Few of the specific elements of a graduated or provisional licensing system have been documented to reduce crashes. However, the California, Maryland, New Zealand, and Oregon systems reduced the rate of crashes involving 15-17 year-old drivers. <input type="checkbox"/> The National Highway Traffic Safety Administration (NHTSA) is responsible for providing assistance to states, other government and public organizations to support efforts designed to promote improvement of traffic safety for the public. | <p>Resources</p> <p>NHTSA has established, through a grant to the American Association of Motor Vehicle Administrators (AAMVA), funds to support a cadre of experts to assist states, without cost, interested in aspects of a graduated licensing system. These persons can provide expert testimony and technical planning, implementation and evaluation assistance. Should you desire additional information or assistance, contact your Governor's Representative for Highway Safety, the appropriate NHTSA Regional or National Office, or AAMVA Regional and Headquarter's staff.</p> |
|--|---|

Model Graduated Licensing System*

Learner Stage**	Intermediate Stage	Full Licensure
<ul style="list-style-type: none"> ✓ Pass Knowledge I & Vision Tests ✓ Take Basic Driver Education ✓ Restricted Driving Parent/ Driver Education Supervision ✓ Parent I Activity ✓ No Passengers ✓ Speed/Road Limits 	<ul style="list-style-type: none"> ✓ Pass SRBIS I Test ✓ Compete Basic Driver Education ✓ Take Advanced Driver Education ✓ Nighttime Restriction*** Supervisor Age 25+ ✓ Parent II Activity ✓ Limited Passengers ✓ Clean Driver Record ✓ Speed/Road Limits 	<ul style="list-style-type: none"> ✓ Provisional License* ✓ Clean Driver Record ✓ Complete Advanced Driver Education ✓ Pass Knowledge II & Skills II Tests ✓ Parent Certification

* A Provisional Driver's License is issued to all drivers under age 21, to problem drivers reaching a certain negligent point threshold, and/or to problem drivers being reinstated after license suspension/revocation actions, regardless of age. Such license would be subject to the following conditions:

- Distinctively different from other driver licenses
- Illegal per se 0.0 BAC level
- Mandatory seat belts for all occupants
- Quicker driver improvement actions
- Clean /Driving record for one year
- Nighttime restriction***

Also, a Provisional Driver's License would be issued to problem drivers reaching a certain negligent point threshold and to problem drivers, regardless of age, being reinstated after a driver improvement suspension/revocation actions.

** Nighttime restriction can be a condition of the intermediate phase and/or as a condition of the provisional license issued as a post licensing driver improvement activity problem for drivers who have demonstrated irresponsible driving performance.

Resources (con't)

*National Association of
Governors' Highway Safety Representatives*
750 First Street, N.E., Suite 720
Washington, DC 20002
Barbara L. Harsha, Executive Director
202-789-0942 [Fax 202-789-0946]

*American Association of Motor Vehicle Administrators
(AAMVA)*
4200 Wilson Blvd., Suite 1100
Arlington, VA 22203
Mike Calvin-Director of Driver Services
Nancy Bullen-Administrative Assistant, Driver
Services
703-522-4200 [Fax 703-522-1553]

*National Highway Traffic Safety Administration
(NHTSA)*
400 Seventh Street, S.W.
Washington, DC 20590
Bill Holden (NTS-21)
202-368-2722 [Fax 202-368-7985]
Jerry Tannahill (NTS-24)
202-368-2748 [Fax 202-368-2768]

Additional Sources of Information

*Copies of the following material are available
upon request:*

McKnight, A.J., Hyle, P. and Albright, L., Youth
License Control Demonstration Project, Maryland
Department of Transportation and National Public
Services Research Institute, National Highway Traffic
Safety Administration, Washington, DC 20590,
December 1983. (DOT HS-806 616)

Hagge, Robert A., and Marsh, William C., An
Evaluation of the Traffic Safety Impact of Provisional
Licensing, California Department of Motor Vehicles,
Sacramento, California 95813, December 1988.

National Highway Traffic Safety Administration,
Provisional Licensing Programs for Young
Drivers, National Highway Traffic Safety
Administration, Washington, D.C. 20590,
February 1988. (DOT HS-807 375)

American Association of Motor Vehicle
Administrators, An Improved Driver Entry
System for Young Novice Drivers, American
Association of Motor Vehicle Administrators
and National Highway Traffic Safety
Administration, Washington, DC, 20590,
September 1988. (DOT HS-807 469)

Waller, Patricia F., Ph.D., "Graduated Licensing:
Rx for Motor Vehicle Injury Prevention,"
Presented to Symposium on Driver
Improvement, Planning for the '90s, Sidney,
B.C., The University of Michigan Transportation
Research Institute (UMTRI), 2901 Baxter Road,
Ann Arbor, MI 48109-2150, June 1990.

McKnight, A.J., Tippetts, A.S., and Marques,
P.R., Provisional Driver License System for
Follow-up Evaluation of Maryland Youth License
Control Demonstration Project, National Public
Services Research Institute, National Highway
Traffic Safety Administration, Washington, DC
20590, October 1990. (DOT HS-807 669)

Jones, B., The Effectiveness of Provisional
Licensing in Oregon: An Analysis of Traffic
Safety Benefits, Oregon Motor Vehicles Division,
Salem, OR 97314, March 1991.

Frith, W.J. and Perkins, W.A., The New Zealand
Graduated Driver Licensing System, Land
Transport Division, Ministry of Transport,
Wellington, New Zealand, Undated (Received
Fall 1992).

GRADUATED DRIVER LICENSING SYSTEM QUESTIONS AND ANSWERS

This paper provides basic information about graduated driver licensing for young novice drivers. While many states have driver licensing programs which have features prescribed for a graduated licensing system, none have adopted a major portion of these features. We hope the following information will assist you in the consideration of legislation for a graduated driver licensing system and/or adoption of its various features.

1. What is a graduated driver licensing system?

A graduated driver licensing system is a multi-tiered program designed to ease young novice drivers into the driving environment through controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure. Under this system, novice drivers are required to demonstrate responsible driving behavior (no convictions or crashes for a specified period) in each stage of licensing before advancing to the next. For example, a 6 months learning stage and one year for the intermediate stage prior to gaining their full driving privilege.

2. Why a graduated driver licensing system?

Teenage drivers are over represented in traffic crashes, in fact they are twice as likely to be in a fatal crash as the average driver. The graduated driver licensing system addresses the driving problems attributed to this group by traffic safety experts: (1) driving inexperience and lack of adequate driving skills; (2) excessive driving during high risk hours, especially nighttime; (3) risk-taking; and (4) poor driving judgment and decision making. It is believed that considerable driving experience is required before young drivers achieve dependable driving know-how, skill, and judgement.

3. What is the purpose of a graduated driver licensing system?

The purpose of a graduated driver license system is to ease young novice drivers, under controlled conditions, into the driving environment by (1) increasing the amount of their behind-the-wheel driving practice, (2) increasing their exposure to progressively more difficult driving experiences, and (3) requiring them to earn full driving privileges by demonstrating crash and conviction free driving performance.

-2-

4. What evidence is there to indicate that a graduated driver licensing system will reduce young driver crashes?

In 1987 New Zealand implemented a graduated licensing system and reported in 1992 that the program continues an 8 percent crash reduction for drivers (drivers under age 25) in the program has resulted. The Maryland Department of Motor Vehicles implemented in 1979, and evaluated portions of the graduated licensing concept. The Maryland program showed a five percent reduction in crashes and a 10 percent reduction in traffic convictions for 16 and 17 year old provisional licensed drivers.

The California Department of Motor Vehicles reported, in December 1988, that there is evidence their provisional licensing system, implemented January 1, 1983, reduced by 5.3 percent the rate of crashes involving 15-17 year-old drivers. In 1991, the Oregon Motor Vehicle Division reported that their Provisional Licensing Program implemented in 1989 reduced crashes 16 percent for male drivers 16 and 17 years old with provisional licenses.

5. What are the features of a graduated licensing system?

Based upon research and the experience of the States a graduated driver licensing system is a multi-staged licensing system (learner stage, intermediate stage(s), and full license stage) which includes some or all of the following features:

- (1) Successful completion of a basic driver education course and require a Learner's Permit for a specified period of behind-the-wheel training.
- (2) A second level driver education program (e.g., safe driving decision making skills) after the new drivers have acquired basic skills.
- (3) Require that a parent, or adult licensed driver age 25 or older, supervise basic driving practice and advance practice sessions during high-risk (nighttime) hours.
- (4) Lower legal blood alcohol concentration (e.g. zero BAC) requirements for under age 21 drivers?
- (5) Nighttime driving restriction (e.g. no driving from 10:00 pm to 6:00 am) either as apart of an intermediate licensing stage, or as a post-licensing driver improvement action.
- (6) Youth-oriented and more rapid driver improvement actions for accidents and violations.

-3-

- (7) Mandatory safety belt usage by all occupants and limitations on the number of passengers in a motor vehicle being operated by a teenager.
- (8) Demonstrated safe driving performance, i.e., having no crashes or convictions for a specified period of time prior to advancing to the next licensing stage (e.g. one year prior to full licensure).
- (9) Issue a provisional license to bridge the gap between a learner's permit and full licensure all drivers under the age of 21 which is distinctive from the regular driver's license (e.g. Marked "PROVISIONAL," different colored photo background).
- (10) Require all suspended or revoked drivers being restored for traffic safety violations to be placed in a provisional driver's license program (see Q&A No. 7 below).

6. What is a provisional driver's license?

A provisional drivers license is issued to all drivers under the age of 21 (or 18) and includes persons operating during the learning or intermediate licensing stages. It is distinctively different from a regular driver's license to facilitate enforcement of licensing and drinking laws and the driver would be subject to an illegal per se BAC level of zero percent and quicker driver improvement actions. All occupants of a motor vehicle being operated by a provisional licensed driver must occupy seats designed for and use available seat belts (i.e., no passengers riding in the cargo compartment of a pick-up truck).

7. What is a provisional driver's license program?

This is a new proposal taken from an early draft of the High Risk Driver Act of 1993 and provides "that any driver whose driving privilege has been restored after license suspension or revocation resulting from a traffic safety violation shall be required to enter the provisional license program and 1) successfully complete, no at-fault accidents nor convictions, a period of not less than one year (supervised nighttime driving practice, a night driving restriction between the hours of 12:00 p.m. and 6:00 a.m., unless supervised by an adult at least 25 years of age with a clean driving record), 2) subject to immediate suspension upon conviction of any moving traffic violation, and 3) deemed to be driving while intoxicated with a blood alcohol concentration of .02 percent or greater. A waiver may be granted by appropriate state authority for applicants to drive during the nighttime restricted period for purposes of work or school."

GRADUATED
Driver Licensing System
for Young Novice Drivers

State Status
September 1995

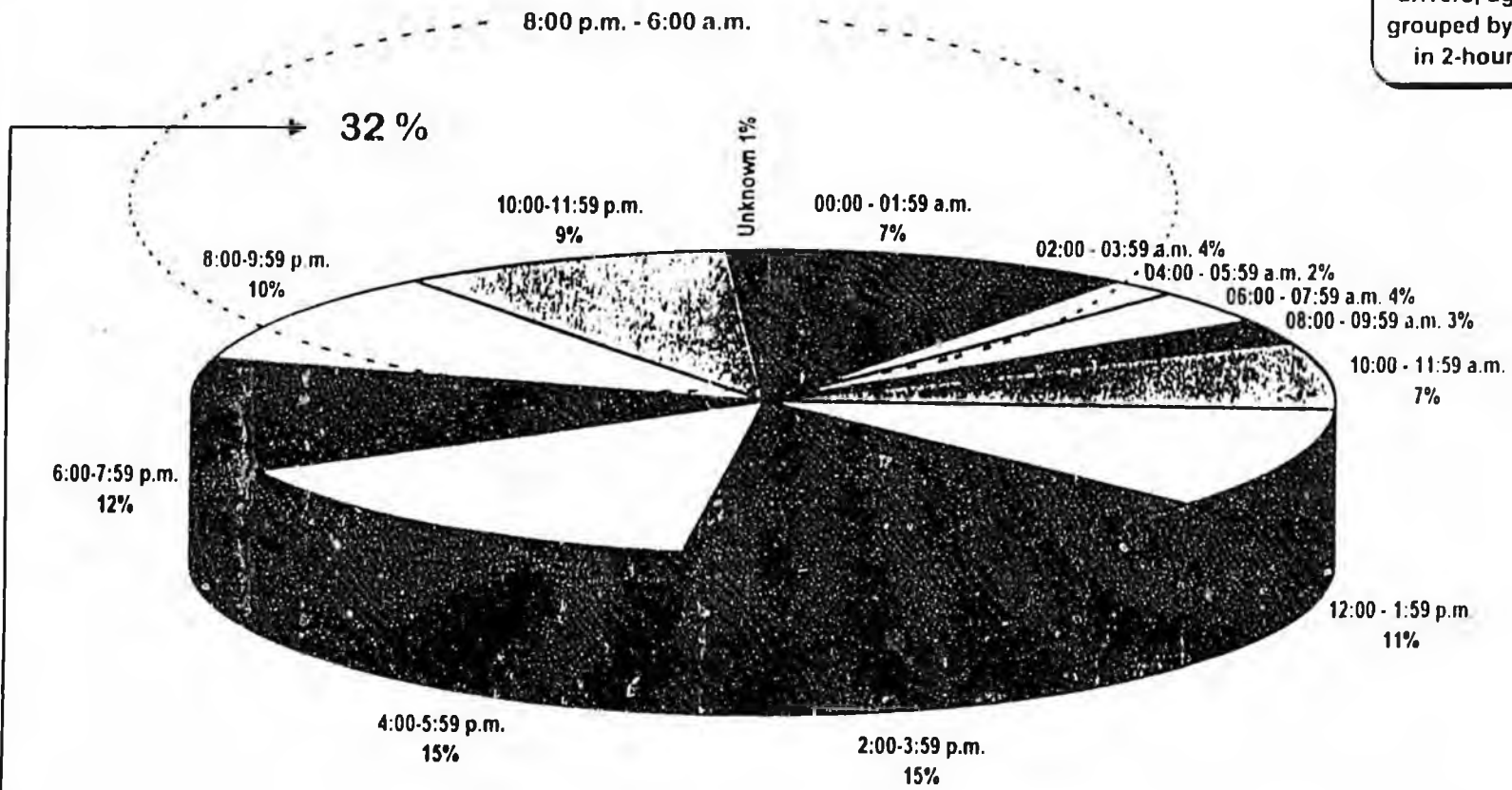
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U.S. Department of Transportation
National Highway Traffic Safety
Administration

1993 YOUTH DRIVERS INVOLVED IN INJURY AND FATAL CRASHES {AGES: 16 - 20}

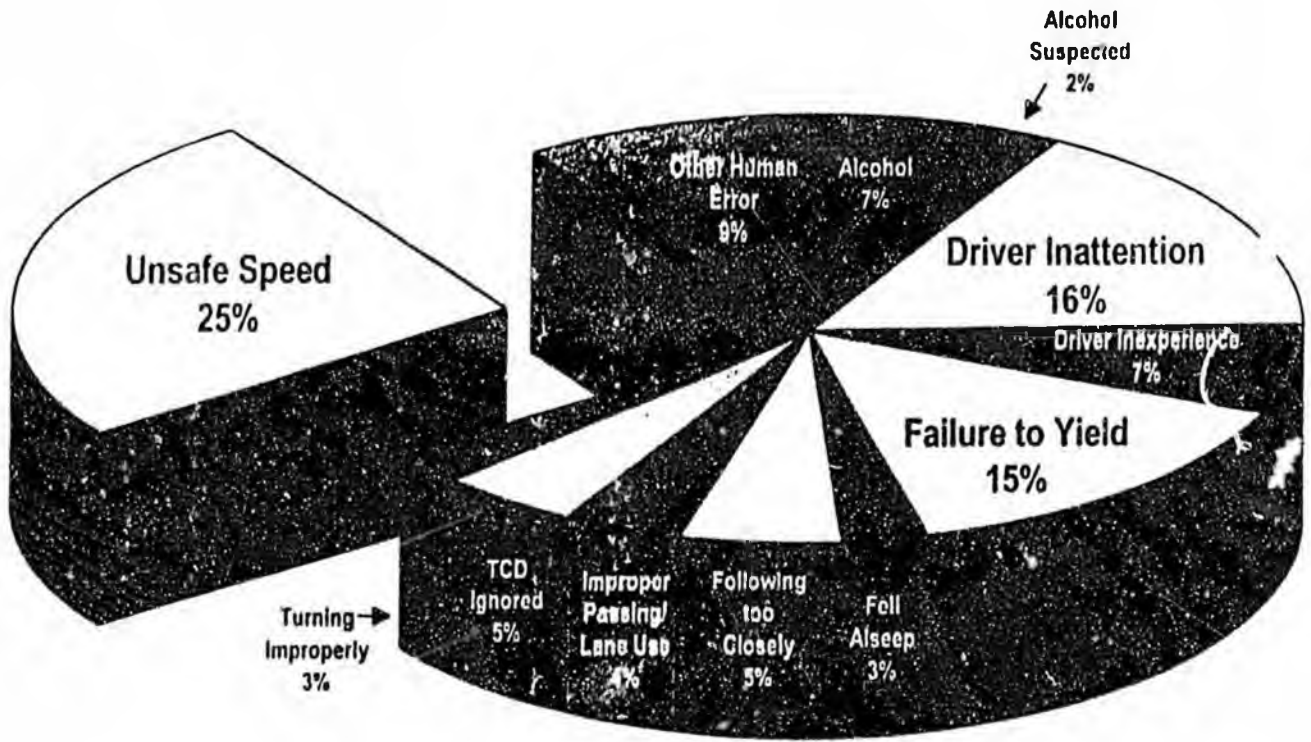
DATA REPRESENTED
Percentage of 1,138
injury and fatal crash
drivers, ages 16 to 20,
grouped by time of day,
in 2-hour intervals.



32 percent of youth crash drivers were involved in crashes which resulted in injuries and/or fatalities between the hours of 8:00 p.m. and 6:00 a.m.

**1993 HUMAN ERRORS KNOWN TO HAVE CONTRIBUTED TO
INJURY AND FATAL TRAFFIC CRASHES
INVOLVING YOUTH DRIVERS {AGES 16-20}**

DATA REPRESENTED
Percentage of 814 known human errors contributing to injury and fatal crashes which involved a youth driver, age 16-20.



Other Known Factors

There were an additional 145 contributing factors other than human error. Of those other factors, 83 involved roadway conditions. 'Slippery pavement' was cited in 71% (59 of 83) of roadway factors. **SPECIAL NOTE: 'unsafe speed' was cited in combination with 'slippery pavement' 68% of the time (40 of 59 occurrences).**

Graduated Driver Licensing System Components

States With Licensing Stages And/Or Nighttime Restriction

	Learner's Permit Required	Intermediate License	Night Restriction	Parent Participation	Driver Education	Crash/Conviction Free Period	Youth Driver Improvement Action	Visually Distinct License	Lower BAC	Mand Safety
California	X	X		X	X			X	X	X
Colorado	X	X			X			X		X
Idaho *			X		X			X	X	X
Illinois *	X		X		X			X	X	X
Louisiana *			X		X		X	X	X	
Maryland	X	X	X		X	X		X	X	
Massachusetts	X	X	X		X		X	X	X	
New Jersey	X		X		X		X		X	
New York	X	X	X		X		X	X		
Oregon		X					X	X	X	
Pennsylvania	X	X	X		X	X		X		
South Carolina *	X		X		X			X		
South Dakota *			X					X		
Vermont		X			X		X	X	X	
West Virginia	X	X			X		X	X	X	
Wisconsin	X	X			X		X	X	X	

* Restrictions are attached to full license (no intermediate license issued).

Graduated Driver Licensing Recommended Components

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Meet minimum age required by the state (e.g. at least 15-1/2 years of age).</p> <p>Pass vision and knowledge tests, including rules of the road and signs and signals.</p>	<p>Successfully complete the learner's permit stage.</p> <p>Meet any minimum age required by the state.</p> <p>Successfully complete basic driver education.</p> <p>Pass second level knowledge test, including safe driving practices.</p> <p>Pass on-road driving test.</p>	<p>Successfully complete the intermediate license stage.</p> <p>Meet any minimum age required by the state.</p> <p>Successfully complete advanced driver education.</p> <p>Pass second level knowledge test, & on-road driving skills test.</p>
Components	<p>All driving must be supervised by licensed parent, guardian, or adult at least age 21 or older.</p> <p>All vehicle occupants must wear safety belts.</p> <p>+ Motorcycle learners must wear helmet and carry no passengers.</p> <p>All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).</p> <p>Permit cancelled if applicant is convicted of any alcohol-related offense.</p> <p>Parent participation in driving process (e.g. certifying that the novice driver had a minimum number of supervised hours of driving).</p> <p>Recommended novice driver receive basic driver education.</p> <p>Permit is distinctive from other driver licenses.</p> <p>Must remain crash and conviction free for six consecutive months to move to next stage.</p> <p>- Recommend motorcycle learners apply for next stage in 90 days.</p> <p>The learner could be subject to limitations on the speed or type of roads they are allowed to use, or the number of passengers allowed in vehicle.</p>	<p>Restricted hours of driving unless supervised by a parent/guardian or licensed adult at least 21 years of age (e.g. no driving from 10:00 p.m. - 5:00 a.m.).</p> <p>All occupants must wear safety belts.</p> <p>Motorcycle learner must wear DOT approved helmet & carry no passengers.</p> <p>All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).</p> <p>License revocation for any alcohol-related offense.</p> <p>Youth oriented & more rapid driver improvement actions are taken in the event of violations or at-fault crashes.</p> <p>Intermediate license is distinctive from learner's permit & regular license.</p> <p>Must remain crash & conviction free for 12 consecutive months to move to the next stage.</p> <p>Parent participation in driving process (e.g. certifying that the novice driver had a minimum number of supervised hours of driving).</p> <p>Recommend novice driver receive advanced driver education.</p> <p>The learner could be subject to limitations on the speed or type of roads they are allowed to use, or the number of passengers allowed in vehicle.</p>	<p>All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).</p> <p>A provisional license for suspended or revoked drivers (all ages) requiring violation & crash free driving for a specified period prior to reobtaining full licensure.</p>

Graduated Licensing In The United States

The American Association of Motor Vehicle Administrators (AAMVA) and the National Highway Traffic Safety Administration (NHTSA) encourage states to implement a graduated driver licensing (GDL) system. A GDL system eases young drivers into the driving environment under safer conditions prior to full unrestricted licensure. This system consists of three stages, named by the type of license possessed at each stage: learner's permit, intermediate (provisional) license, and full unrestricted license. Young drivers are required to demonstrate responsible driving behavior in each stage of licensing before advancing to the next.

Although licensing practices vary from state to state and no state has a comprehensive GDL system, several states have components of a system. Eight (8) states have three stages of licensing: California, Colorado, Maryland, Massachusetts, New York, Pennsylvania, West Virginia, and Wisconsin. These states require a learner's permit and have an intermediate license (e.g., provisional or junior license), prior to a full unrestricted license.

Four (4) states require a two-tiered licensing system and have several components of graduated licensing: Illinois, New Jersey, Oregon, and Vermont. Illinois and New Jersey require a permit prior to full unrestricted licensure. Oregon and Vermont do not require a permit but do have an intermediate license prior to full unrestricted licensure.

Four (4) additional states, Idaho, Louisiana, South Carolina, and South Dakota, do not have graduated licensing systems but do have one of the highly recommended components of such a system— nighttime driving restriction.

This booklet contains a table showing the recommended components of a GDL system, a map of states with GDL stages, and tables showing the components of licensing in states having three stages of licensing and two stages, one being an intermediate license.

California

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age of 15 years.</p> <p>Verification of birthdate/legal presence.</p> <p>Parents or guardian's signature accepting liability for minor on license application.</p> <p>Must pass provisional law test and vision test. One week waiting period if law test failed.</p> <p>Simultaneous enrollment in both Driver Education and Driver Training.</p> <p>Provisional permit is not valid until student starts driver training or is age 17 years and 6 months.</p> <p>Provisional permit must be held for 30 days before taking driving test for provisional license.</p>	<p>Minimum age of 16 (Provisional License).</p> <p>Verification of birthdate/legal presence.</p> <p>Parents or guardian's signature accepting liability for minor on license application.</p> <p>Must pass provisional law test, vision test, and driving test. One week waiting period if law test is failed. Two week waiting period if driving test is failed.</p> <p>Must have completed Driver Education and Driver Training (required if under 18).</p> <p>Certification of 30 day minimum driving practice by supervising adult driver age 25 years or older and not on probation.</p>	<p>Minimum age of 18.</p> <p>Verification of birthdate/legal presence.</p> <p>Must pass law and vision tests.</p> <p>Must pass driving test (if required).</p>
Components	<p>Drive only with driver age 25 years or older and not on probation.</p> <p>Distinctive paper permit.</p>	<p>Distinctive license (age 21 in 0000, provisional until 18).</p> <p>No accidents/maintain financial responsibility.</p> <p>No Failure To Appear or Failure To Pay fines.</p> <p>No more than two points (convicted) in 12 months.</p>	<p>Distinctive license (age 21 in 0000, provisional until 18).</p>
Other Supportive Laws	<p>Zero tolerance (.01) for under age 21.</p> <p>Primary safety belt law requires all passengers to wear safety belts.</p>	<p>Zero tolerance (.01) for under age 21.</p> <p>Primary safety belt law requires all passengers to wear safety belts.</p>	<p>Zero tolerance (.01) for under age 21.</p> <p>Primary safety belt law requires all passengers to wear safety belts.</p>

Colorado

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age of 15 years, 3 months if enrolled in driver education, otherwise 15 years, 6 months.</p> <p>Knowledge and vision tests.</p> <p>Parent or guardian consent.</p>	<p>Age 16 for a Minor's License (good from ages 16 to 18).</p> <p>Must have held Learner's Permit for 90 days.</p> <p>Pass driving test.</p> <p>Parental consent.</p> <p>Minimum age 18 for Provisional License (good for ages 18 to 21).</p> <p>If no previous license held, must pass knowledge, vision, and driving tests.</p> <p>If held Minor's License, only vision test required.</p> <p>Parental consent.</p>	<p>Minimum age of 21.</p> <p>Must pass vision test.</p>
Components	<p>Must have licensed operator at least 21 years old in vehicle.</p> <p>Distinctive license.</p>	<p>License suspension at lower points.</p> <p>Distinctive license - Under 21 - "P". Under 18 - "MP".</p>	<p>If acquired 8 or more points for 6 mo of license (5 years), must take knowledge test.</p>
Other Supportive Laws	<p>Secondary safety belt law applies to front seat passengers.</p>	<p>Secondary safety belt law applies to front seat passengers.</p>	<p>Secondary safety belt law applies to front seat passengers.</p>

Maryland

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 15 years, 9 months.</p> <p>Must pass vision and knowledge tests.</p> <p>Must have parental consent.</p>	<p>Minimum age 16 - Provisional License.</p> <p>Must have completed drivers education, otherwise, must be 18 years old.</p> <p>Must have Learner's Permit for at least 14 days.</p> <p>Must have parental consent.</p> <p>Must pass road test.</p>	<p>Minimum age 18.</p> <p>Must have accumulated one year of conviction free driving.</p> <p>Must have completed driver education or a 3 hour drug and alcohol awareness program.</p>
Components	<p>Must be accompanied by licensed driver at least 21 years old and licensed to drive for 3 or more years.</p> <p>Distinctive license. Permit marked "Under 21. No Alcohol".</p>	<p>Restricted driving - midnight to 5:00 a.m. unless accompanied by a licensed driver at least 21 years old.</p> <p>Distinctive license. Permit marked "Under 21. No Alcohol" provisional license.</p>	<p>Distinctive license. Permit marked "Under 21. No Alcohol".</p>
Other Supportive Laws	<p>Zero tolerance (.02) for under age 21.</p> <p>Secondary safety belt law - applies to front seat passengers.</p>	<p>Zero tolerance (.02) for under age 21.</p> <p>Secondary safety belt law - applies to front seat passengers.</p>	<p>Zero tolerance (.02) for under age 21.</p> <p>Secondary safety belt law - applies to front seat passengers.</p>

Massachusetts

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 16</p> <p>Vision and road sign test required.</p> <p>Must have parental/guardian consent.</p>	<p>Minimum age 16 years, 6 months (Junior License)</p> <p>Must have completed certified drivers education program.</p> <p>Must pass driving test.</p> <p>Must have parental consent.</p>	<p>Minimum age 18.</p>
Components	<p>Must be accompanied by licensed driver 18 years of age or older.</p> <p>Distinct license.</p>	<p>Prohibited driving between 1:00 a.m. and 4:00 a.m. unless accompanied by parent or legal guardian.</p> <p>Distinct license - Under 21 - Junior Operator</p> <p>Youthful driver improvement actions.</p>	<p>Distinct license - Under 21</p>
Other Supportive Laws	<p>Zero tolerance (.02) for under age 21</p> <p>Secondary safety belt law - applies to all passengers.</p>	<p>Zero tolerance (.02) for under age 21</p> <p>Secondary safety belt law - applies to all passengers.</p>	<p>Zero tolerance (.02) for under age 21</p> <p>Secondary safety belt law - applies to all passengers.</p>

New York (Does Not Include New York City)

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 16.</p> <p>Must pass knowledge and vision tests.</p> <p>Parent/guardian consent required.</p>	<p>Minimum age 16 - Junior License</p> <p>Must have Learner's Permit (no minimum period).</p> <p>Must pass knowledge, vision, and driving tests.</p>	<p>Minimum age 17</p> <p>Must have completed high school driver education.</p> <p>Must pass vision test.</p>
Components	<p>Must be accompanied by licensed driver - 18 years or older.</p> <p>Distinctive license - "Under 21" Learner's Permit.</p> <p>Restricted driving - applies to 16-17 years old - between 9:00 p.m. and 5:00 a.m. unless accompanied by parent/guardian.</p>	<p>Restricted driving - applies to 16-17 years old - between 9:00 p.m. and 5:00 a.m. unless accompanied by parent/guardian.</p> <p>Youthful driver improvement actions (license suspended for 2 months for single serious violation)</p> <p>Distinctive license - "Under 21"</p> <p>Conditional License</p>	<p>Distinctive license - "Under 21"</p>
Other Supportive Laws	<p>Primary safety belt law - applies to front seat passengers.</p>	<p>Primary safety belt law - applies to front seat passengers.</p>	<p>Primary safety belt law - applies to front seat passengers.</p>

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

Massachusetts

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 16.</p> <p>Vision and road sign test required.</p> <p>Must have parental/guardian consent.</p>	<p>Minimum age 16 years, 6 months (Junior License)</p> <p>Must have completed certified drivers education program.</p> <p>Must pass driving test.</p> <p>Must have parental consent.</p>	<p>Minimum age 18.</p>
Components	<p>Must be accompanied by licensed driver 18 years of age or older.</p> <p>Distinct license.</p>	<p>Prohibited driving between 1:00 a.m. and 4:00 a.m. unless accompanied by parent or legal guardian.</p> <p>Distinct license - Under 21 - Junior Operator</p> <p>Youthful driver improvement actions.</p>	<p>Distinct license - Under 21</p>
Other Supportive Laws	<p>Zero tolerance (.02) for under age 21</p> <p>Secondary safety belt law - applies to all passengers.</p>	<p>Zero tolerance (.02) for under age 21</p> <p>Secondary safety belt law - applies to all passengers.</p>	<p>Zero tolerance (.02) for under age 21</p> <p>Secondary safety belt law - applies to all passengers.</p>

New York (Does Not Include New York City)

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 16.</p> <p>Must pass knowledge and vision tests.</p> <p>Parent/guardian consent required.</p>	<p>Minimum age 16 - Junior License</p> <p>Must have Learner's Permit (no minimum period).</p> <p>Must pass knowledge, vision, and driving tests.</p>	<p>Minimum age 17</p> <p>Must have completed high school driver education.</p> <p>Must pass vision test.</p>
Components	<p>Must be accompanied by licensed driver - 18 years or older.</p> <p>Distinctive license - "Under 21" Learner's Permit.</p> <p>Restricted driving - applies to 16-17 years old - between 9:00 p.m. and 5:00 a.m. unless accompanied by parent/guardian.</p>	<p>Restricted driving - applies to 16-17 years old - between 9:00 p.m. and 5:00 a.m. unless accompanied by parent/guardian.</p> <p>Youthful driver improvement actions (license suspended for 2 months for single serious violation)</p> <p>Distinctive license - "Under 21"</p> <p>Conditional License.</p>	<p>Distinctive license - "Under 21"</p>
Other Supportive Laws	<p>Primary safety belt law - applies to front seat passengers.</p>	<p>Primary safety belt law - applies to front seat passengers.</p>	<p>Primary safety belt law - applies to front seat passengers.</p>

Oregon

	Stage 1 Learners Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 15</p> <p>Must pass vision and knowledge test on rules of the road</p>	<p>Minimum age is 16 - Provisional License</p> <p>Must pass 2nd level knowledge test on safe driving practice and road test. If applicant fails road test, must wait 28 days</p> <p>Learners permit not required, but if road test failed must obtain Learners Permit for minimum 1 month</p>	<p>Minimum age 18</p>
Components	<p>Permit valid for 18 months</p> <p>Must be accompanied by licensed adult at least 21 years old</p> <p>Administrative suspension for any measurable amount of alcohol (zero tolerance 00 under 21)</p> <p>If under 18 and convicted of any alcohol or drug offense, license is suspended for 1 year or until 17, which ever is longer</p> <p>Distinct permit (Provisional Instruction Permit)</p>	<p>Administration suspension for any measurable amount of alcohol (zero tolerance 00 under 21)</p> <p>License suspension bill age 18 for any major traffic conviction</p> <p>Accelerated driver improvement actions on fewer convictions (4 stage program)</p> <p>If under 18 and convicted of any alcohol or drug offense, license is suspended for 1 year or until 17, which ever is longer</p> <p>Can cancel license at parents request</p> <p>Distinct permit for drivers under the age of 18 (Provisional)</p>	<p>Administration suspension for any measurable amount of alcohol (zero tolerance 00 under 21)</p>
Other Supportive Laws	<p>Primary safety belt law - applies to all passengers</p>	<p>Primary safety belt law - applies to all passengers</p>	<p>Primary safety belt law - applies to all passengers</p>

Pennsylvania


	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 16</p> <p>Must pass knowledge and vision test</p> <p>Must have parental consent</p> <p>Must pass physical examination</p>	<p>Minimum age is 16 - Junior License</p> <p>Must pass road skills test</p>	<p>Minimum age 17</p> <p>Must have one year conviction free driving</p> <p>Must have completed approved driver education course</p>
Components	<p>Must be accompanied by licensed adult at least 18 years old</p> <p>License suspended for any alcohol-related violation</p> <p>Distinct license</p>	<p>Restricted driving from midnight to 5:00 a.m. unless accompanied by parent/spouse age 18 or older</p> <p>License suspended for any alcohol-related violation</p> <p>Distinct license - Junior License - Under age 21</p>	<p>License suspended for any alcohol-related violation</p> <p>Distinct license - Under age 21</p>
Other Supportive Laws	<p>Secondary safety belt law - applies to front seat passengers</p>	<p>Secondary safety belt law - applies to front seat passengers</p>	<p>All PA licenses have printed on back "BUCKLE UP Pennsylvania, It's the Law"</p>

Vermont

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Permit not required.</p> <p>Minimum age of 15</p> <p>Parent or guardian must sign application if under 18)</p> <p>Must pass vision and knowledge tests, including rules of the road and signs and signals.</p>	<p>Minimum age of 16 - Junior Operator License.</p> <p>Must have valid learners permit, have completed driver education, and pass behind-the-wheel skills test.</p> <p>Vision and written test required without learners permit.</p> <p>Parent or guardian consent required.</p>	<p>Minimum age of 18.</p>
Components	<p>All driving must be supervised by licensed adult at least 25 years of older in the front seat.</p> <p>16 years or older must have licensed adult 18 years old or older in the front seat.</p> <p>Distinct license "Learner's Permit"</p>	<p>Youthful driver improvement actions; license can be revoked for violations.</p> <p>Distinct license "Junior Operator"</p> <p>At age 16 or older, if licensed, learner can get a motorcycle permit by passing written and skills tests.</p>	
Other Supportive Laws	<p>Zero tolerance (.02) for under age 18.</p> <p>Secondary safety belt law applies to all passengers.</p>	<p>Zero tolerance (.02) for under age 18.</p> <p>Secondary safety belt law applies to all passengers.</p>	<p>Zero tolerance (.02) for under age 18.</p> <p>Secondary safety belt law applies to all passengers.</p>


Wisconsin

	Stage 1 Learner's Permit	Stage 2 Intermediate License	Stage 3 Full License
Eligibility	<p>Minimum age 15 years, 6 months</p> <p>Must pass vision and knowledge test.</p>	<p>Minimum age is 16 - Probationary License</p> <p>Must pass knowledge, vision, and driving test</p> <p>Must have completed approved driver education, if under age 18</p>	<p>Minimum age 18</p> <p>Must pass vision test</p>
Components	<p>if under 16, must be accompanied by parent/guardian or designee with at least 2 years driving experience, with one other person in car</p> <p>if over 16, must be accompanied by licensed driver at least 25 years old with 2 years of driving experience</p> <p>Distinct license</p>	<p>Two additional demerit points on second and subsequent convictions</p> <p>Distinct license - Probationary - Under 21</p>	<p>Distinct license - Under 21</p>
Other Supportive Laws	<p>Zero tolerance (.001) under age 19</p> <p>Secondary safety belt law - applies to all passengers</p>	<p>Zero tolerance (.001) under age 19</p> <p>Secondary safety belt law - applies to all passengers</p>	<p>Zero tolerance (.001) under age 19</p> <p>Secondary safety belt law - applies to all passengers</p>



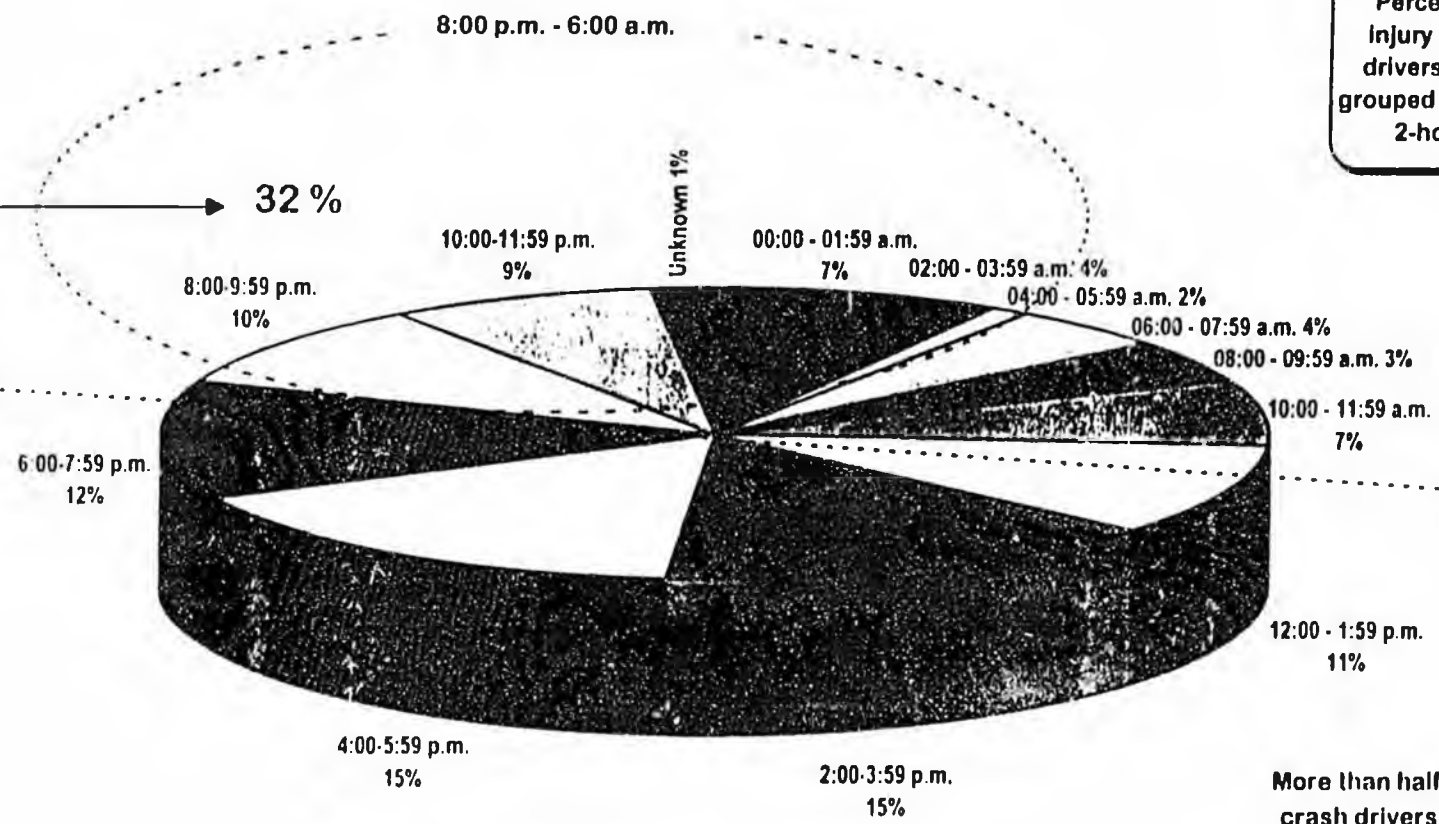
For Additional information about Gradudated Licensing
contact:

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**1994 YOUTH DRIVERS INVOLVED IN
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{AGES: 16 - 20}**

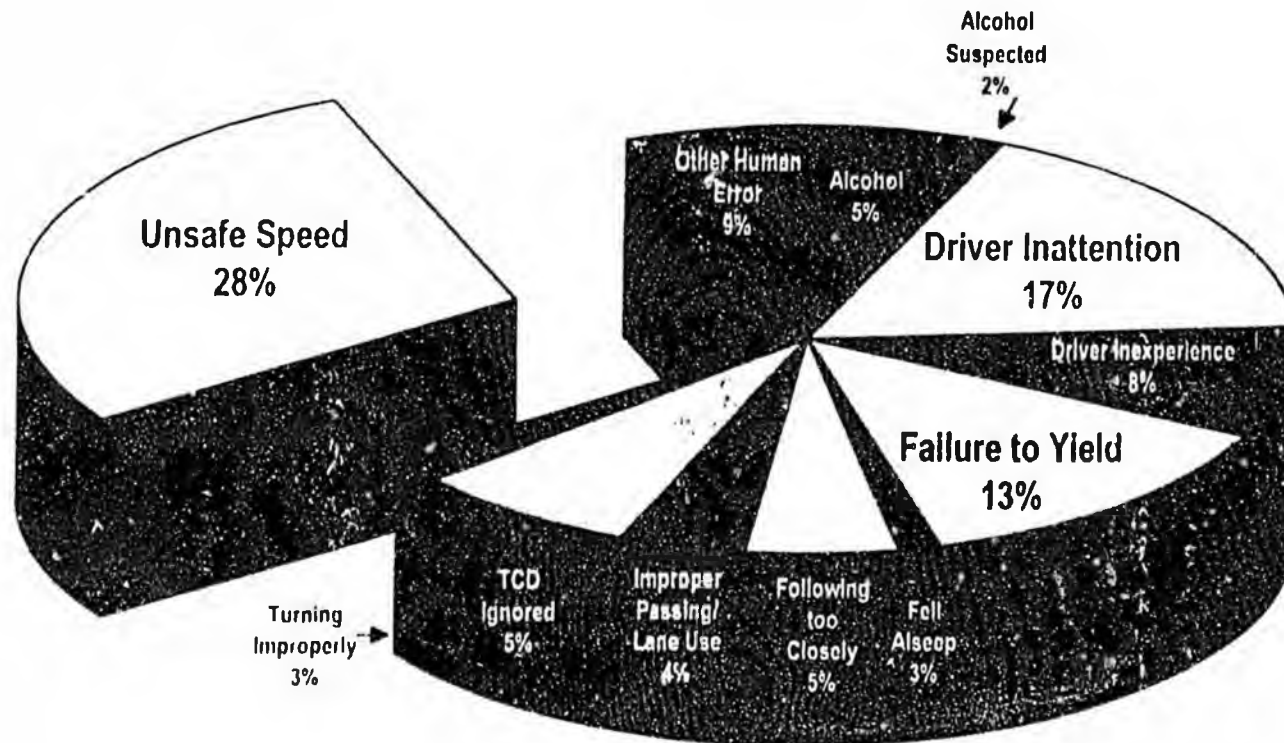
DATA REPRESENTED
Percentage of 1,199
injury and fatal crash
drivers, ages 16 to 20,
grouped by time of day, in
2-hour intervals.



More than half (53%) of all youth crash drivers were involved in crashes which resulted in injuries and/or fatalities during the 8-hour period between Noon and 8:00 p.m.

32 percent of youth crash drivers were involved in crashes which resulted in injuries and/or fatalities between the hours of 8:00 p.m. and 6:00 a.m.

**1994 HUMAN ERRORS KNOWN TO HAVE CONTRIBUTED TO
INJURY AND FATAL TRAFFIC CRASHES
INVOLVING YOUTH DRIVERS {AGES 16-20}**



DATA REPRESENTED
Percentage of 953 known human errors contributing to injury and fatal crashes which involved a youth driver, age 16-20.

Other Known Factors

There were an additional 202 contributing factors other than human error. Of those other factors, 126 involved roadway conditions. 'Slippery pavement' was cited in 87% (110 of 126) of roadway factors.

TEENAGERS

Q&A: GRADUATED LICENSING

Graduated licensing systems are designed to phase in young beginning drivers to full driving privileges as they mature and develop their driving skills, ensuring that initial experience is accumulated under lower-risk conditions. Graduated licensing systems exist in New Zealand, Victoria, Australia, and in Ontario and Nova Scotia, Canada. Each is different, but all have in common three stages — a required length of time in a learners period with supervised driving practice allowed under certain conditions; a restricted license for a set period of time with unsupervised driving allowed in some circumstances but not others; and then a full, unrestricted license provided the driver has remained free of violations or crashes. Restrictions may include night driving curfews, limits on the number and ages of passengers transported, and a low or zero blood alcohol concentration.

Laws in U.S. states include elements of graduated licensing systems. For example, nine states have night driving curfews. However, in most states unrestricted licenses can be obtained at an early age, requirements for the pre-licensure period are often minimal, and full driving privileges are typically bestowed upon initial licensure. The resulting high crash rate for the youngest drivers (the crash rate per million miles driven for 16 year-olds is eight times as high as it is for older drivers) has led states to consider adopting graduated licensing. This Q&A addresses some common arguments against graduated licensing systems.

■ **Are graduated licensing systems discriminatory?** Graduated licensing is basically a system for introducing beginners into the driving population in a low-risk manner, protecting both them and others they meet on the roads. Graduated licensing systems could apply to all first-time drivers, not just the youngest, as they do outside the United States. In the United States, however, young people make up the majority of beginning drivers, and graduated licensing systems now being considered in some states would focus on these drivers. It should be noted that young people are subject to a variety of legal restrictions. This is the case with voting, alcohol purchases, and financial obligations such as signing contracts.

The rationale for special policies for young drivers is that their crash risk is particularly high. Teenage drivers have the highest crash rate of all: 20 reported crashes per million miles driven, compared with a rate of 5 per million miles for all other ages combined. However, the rate for 16 year-olds is by far the highest (43), followed by 17 year-olds

The Insurance Institute for Highway Safety is an independent, nonprofit, scientific and educational organization. It is dedicated to reducing the losses — deaths, injuries, and property damage — resulting from crashes on the nation's highways. ■ The Institute is supported by the American Insurance Highway Safety Association, the American Insurers Highway Safety Alliance, the National Association of Independent Insurers Safety Association, and a number of individual insurance companies. ■ 1005 North Glebe Road, Arlington, VA 22201 703-247-1500 ■ April 1995

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(30) Older teenage drivers have substantially lower crash involvement rates, 16 per million miles driven for 18 year-olds, 14 for 19 year-olds. It is the very youngest who are most likely to engage in risky behavior such as speeding and tailgating. Because of their inexperience, beginners are least able to cope with hazardous situations. When this is combined with their aggressive driving style, a high crash rate results.

■ **Why penalize teenage drivers as a group?** We know some of the characteristics of younger drivers who are more likely than others to be in crashes, but it is not possible to identify such people adequately on an individual basis and attempt to intervene before they get into crashes. Many licensing systems in the United States impose greater and/or earlier penalties on young people for traffic infractions than they do on older drivers, but most young drivers in fatal crashes do not have prior traffic violations or crashes on their records. The logic of addressing all young people is that they are all beginners when they start to drive, and every novice needs time to develop driving skills in low-risk settings.

■ **Isn't driver education enough preparation for licensure?** A good driver education course, emphasizing on-the-road driving, is an effective way to learn basic vehicle control skills. But extensive research studies have indicated that high school driver education does not lead to lower crash involvement compared with other ways of learning to drive. Attitudes, decision-making skills, risk-taking tendencies, and other factors that may not be affected much by driver education programs contribute in an important way to crashes. As indicated in a 1994 National Highway Traffic Safety Administration Report to Congress, experts agree that "current novice driver education is not doing a very good job in motivating youngsters to drive safely."

■ **Shouldn't teenagers be allowed to drive to school, work, and extracurricular activities?** Graduated licensing systems, in enhancing safety, do affect some of the mobility needs and desires of young people. The ability to drive without supervision affords teenagers independence and peer recognition. Being able to drive at night with their friends in the car is particularly important for teenagers, but nighttime is the most dangerous time for beginners to be on the road, especially when they are with their peers. Thus, night driving curfews are an important element of graduated licensing systems. Most night driving curfews in force in the United States allow exemptions for driving to work or school during the restricted hours. And to the extent that graduated licensing systems delay full licensure, there is evidence to suggest that this does not significantly hinder social activities. A 1987 Institute survey of more than 50,000 high school students in seven states indicated that 16 year-olds have largely similar lifestyles, in terms of social, dating, and work patterns, whether they live in states where many, few, or no 16 year-olds are licensed.

■ **Do parents favor graduated licensing?** Many parents want their children licensed early so they no longer have to transport them to various school, work, or social activities, but they also worry about the risks involved. Parents are strongly in favor of graduated licensing. A 1994 Institute survey of 1,000 parents of 17 year-olds found that 90 percent favored a minimum period of supervised driving before full licensure, 74 percent favored night driving curfews, 43 percent favored restricting teenage passengers during the first few months of driving, and 97 percent favored a zero BAC for teenagers. Fifty-eight percent said they favored a graduated licensing package including many months of supervised driving practice before licensing, a night driving curfew, and prohibitions against transporting other teenagers until a good driving record has been demonstrated for six months to a year.

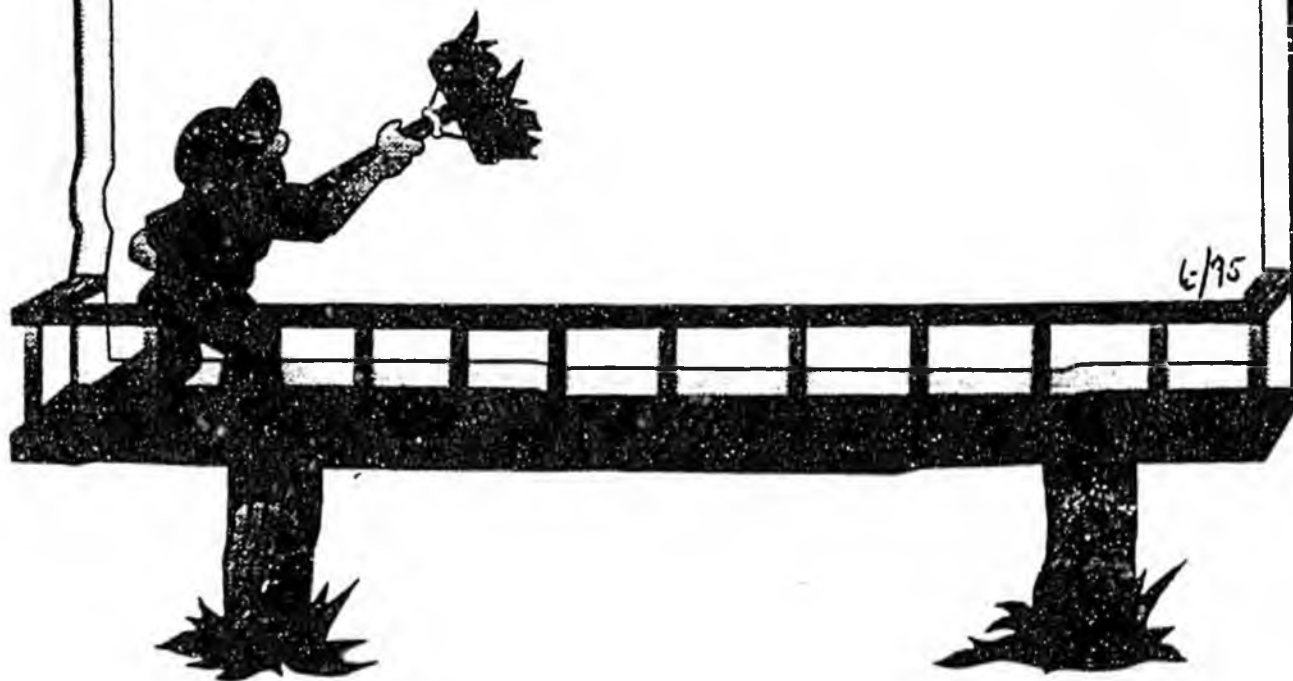
■ **Will graduated licensing work in the United States?** Graduated licensing systems are not a panacea, but they can reduce the motor vehicle injury problem for young people. In the states that now have elements of graduated licensing, the safety benefits are evident. Studies of night driving curfews indicate that crash reductions of 60 percent or more can be achieved during curfew hours. Low BAC thresholds for young drivers also reduce the problem. No state in the United States has a licensing system that includes all the components of graduated licensing, which would be expected to provide additional safety benefits.



Save Lives With...

A GRADUATED DRIVER LICENSING SYSTEM

FOR YOUNG NOVICE DRIVERS



Traffic crashes are the number one cause of youth deaths. One answer to minimizing the tragic outcomes caused by youthful drivers is a graduated driver licensing system.

What is Graduated Licensing?

Graduated Licensing is a system designed to ease beginning drivers into the traffic environment under controlled exposure to progressively more difficult driving experiences. This system helps improve their driving skills and helps them acquire on-the-road experience under less risky conditions by progressing, or graduating, through driver licensing stages before unrestricted licensure. The system consists of three licensing stages, named by the type of license possessed at each stage: learner's permit, intermediate or provisional license, and full or unrestricted license.

There are several states that have a three tiered licensing system with some components of a graduated licensing system. But, within the majority of states, the learner's permit period, if required, has minimal requirements and restrictions and a full unrestricted license can be acquired at a young age with minimal behind-the-wheel experience.

Why do we need Graduated Licensing?

Young people, ages 15-20, continue to be overrepresented in motor vehicle crashes. The problems contributing to young drivers' high crash rates include:

- **Inexperience:** Novice drivers lack the adequate skills needed to safely operate a motor vehicle.
- **High risk-taking behavior:** Characteristics of young drivers include being immature and impulsive which results in poor driving judgement and participation in high risk behaviors such as speeding and traveling too fast for conditions.
- **High risk exposure:** Novice drivers drive during nighttime high-risk hours, often with young passengers in the vehicle. Having passengers in the vehicle can cause distractions and peer pressure to participate in risk-taking behaviors.

Considerable driving experience is required, after initial licensing, before a young, novice achieves dependable skills, judgement, and performance that result in safe driving.

A graduated driver licensing system addresses the causes of youth crashes by:

- Increasing the amount of supervised behind-the-wheel driving practice.
- Increasing exposure to more difficult driving experiences through each stage of licensure by gradually removing restrictions, so that new and more complex traffic conditions are encountered.
- Requiring crash and conviction free driving performance for a minimum period of time before advancing to the next level of licensing.

What are the outcomes of Graduated Licensing?

Under a graduated licensing system, the novice driver is rewarded for safe driving. As the young driver graduates through the licensing system restrictions are removed. Benefits of the system are that it:

- Reduces exposure to high-risk and nighttime driving.
- Motivates by requiring a crash and violation-free record before regular licensing.
- Educates through associated driver training and improvement programs.

A graduated licensing system can significantly reduce crashes of young inexperienced drivers.

REDUCING DRIVING RISKS THROUGH GRADUATED LICENSING

Developing safe behaviors early in the driving experience also can impact the high risk years of the early 20's and beyond. As young drivers progress through the licensing stages, they are given the opportunity to gain driving practice and maturity before receiving a full license. This chapter describes the three stages of licensure and provides an explanation of the components that are recommended for each stage.

The three stages of a graduated licensing system are:

- Stage 1: Learner's permit.
- Stage 2: Intermediate or provisional license.
- Stage 3: Full or unrestricted license.

Each stage includes specific recommended components and restrictions to introduce driving privileges gradually to beginning drivers. Young drivers are required to demonstrate responsible driving behavior in each stage of licensing before advancing to the next stage.

The following graduated licensing program provides guidance to States in their implementation of graduated licensing to address youth traffic safety problems.

Stage 1: Learner's Permit

The learner's permit allows the novice driver the opportunity to practice basic skills and safe driving practices under controlled and totally supervised conditions prior to obtaining an intermediate license. Example eligibility recommendations and components follow:

Eligibility recommendations for a learner's permit

Prior to receiving a learner's permit, the novice driver should:

- Meet the minimum age required by the state (e.g., be at least 15 1/2 years of age).
- Pass vision and knowledge tests, including rules of the road and signs and signals.

Recommended components for a learner's permit

The following components should be considered as part of the learner's permit stage:

- All driving must be supervised by licensed parent, guardian, or adult at least age 25 or older.
- All vehicle occupants must wear safety belts.
- Motorcycle learner must wear helmet and carry no passengers.

- All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).
- Permit is cancelled if applicant is convicted of any alcohol-related offense.
- Parent participation in driving process (e.g. certifying that the novice driver had a minimum number of supervised hours of driving).
- Recommend novice driver receive basic driver education.
- Permit is distinctive from other driver licenses.
- Must remain crash-and conviction-free for six months to move to the next stage.
- Recommend motorcycle drivers apply for next stage in 90 days.
- The learner could be subject to limitations on the speed or type of roads they are allowed to use.

Stage 2: Intermediate or Provisional License

The intermediate license provides the young driver behind-the-wheel practice under restricted conditions prior to obtaining a full license. This stage exposes the driver to more demanding driving situations by providing the young driver the opportunity to use his or her decision making skills by allowing unsupervised driving during lower risk times.

Eligibility recommendations for intermediate license

To be eligible for an intermediate license, it is recommended that the novice:

- Successfully complete the learner's permit stage.
- Meet any minimum age required by the state.
- Successfully complete basic driver education.
- Pass second level knowledge test, including safe driving practices.
- Pass on-road driving test.

Recommended components for intermediate license

The following components should be considered for the intermediate license:

- Restricted hours of driving unless supervised by a parent/guardian or licensed adult at least 25 years of age (e.g. no driving from 10:00 p.m. - 5:00 a.m.)
- All occupants must wear safety belts.

- Motorcycle learner must wear helmet and carry no passengers.
- All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).
- License revocation for any alcohol-related offense.
- Youth-oriented and more rapid driver improvement actions are taken in the event of violations or at-fault crashes.
- Intermediate license is distinctive from learner's permit and regular license.
- Must remain crash-and conviction-free for 12 consecutive months to move to the next stage.
- Parent participation in driving process (e.g. certifying that the novice driver had a minimum number of supervised hours of driving).
- Recommend novice driver receive advanced driver education.
- The driver could be subject to limitations on speed or road types that they are allowed on (e.g. 45 m.p.h. speed limit and no freeway driving), or the number of passengers allowed in vehicle.

Stage 3: Full License

The full or unrestricted license allows the applicant unlimited driving privileges.

Eligibility recommendations for full license

For the novice driver to be eligible for a full license, the following components should be considered:

- Successfully complete the intermediate license stage.
- Meet any minimum age required by the state.
- Successfully complete advanced driver education.
- Pass a second level knowledge and on-road driving skills test.

Recommended components for full license

The following components should be considered as part of the full license:

- All drivers under age 21 subject to lower blood alcohol concentration (i.e. zero tolerance 0.02 BAC or less).
- A provisional license for suspended or revoked drivers (all ages) requiring violation and crash free driving for a specified period, prior to reobtaining full licensure.

Graduated Licensing--It Works

While the national initiative for graduated driver licensing is just beginning, the concept of graduated licensing has been around for many years. In 1976, the National Highway Traffic Safety Administration (NHTSA) developed a model "provisional" licensing system to address the traffic safety problems of young drivers. Proposed components of the system were reviewed by State driver licensing officials. The program was documented in Development of a Model System for Provisional Licensing of Novice Drivers: Final Report (1977).

The success graduated licensing programs has had on reducing youth crashes can be seen in programs that have been implemented in the United States as well as other countries. While no state has implemented a comprehensive graduated driver licensing system, several states have implemented features of this system. Evaluations of their licensing programs were conducted in Maryland, California, Oregon, and New Zealand and have shown a 5-16 percent reduction in youth crashes.

The following examples demonstrate the impact such programs can have on preventing youth injuries and fatalities.

Maryland

In 1977, NHTSA awarded a contract to the Maryland Motor Vehicle Administration to test the concept of graduated licensing, then termed provisional licensing. In 1979, Maryland implemented and evaluated several features of a graduated driver licensing system. The overall objective of the Maryland Youth License Control Project was to determine whether a comprehensive countermeasure program incorporating existing driver regulation procedures, and certain new innovative techniques in a provisional licensing system could reduce the incidence of traffic crashes and convictions among young novice drivers.

Key components under this program included:

Stage 1: Learner's Permit

Eligibility requirements

- Minimum age for a permit was 15 years 9 months.
- Had to pass vision test and knowledge test on traffic laws and safe driving practices.

Program components

- Valid for three months.
- Be accompanied by a licensed driver 21 years of age or older.
- Parent participation handbook was issued.

Stage 2: Provisional license

Eligibility requirements

- Must have been at least 16 years old.
- The learner's permit had to have been in effect for at least 14 days.
- Must have successfully completed driver education, if under 18 years old.
- Had to pass an on-road performance test.

Program components

- Restricted driving hours between 1:00 a.m. and 6:00 a.m., unless accompanied by a licensed driver at least 21.
- Six months of conviction free driving prior to obtaining a "regular" license.
- Parent-supervised driving practice.
- Youthful driver improvement program (e.g., for first offense, person was sent a safety pamphlet and had to report for a test on its contents).
- License was distinctive from regular license.

Stage 3: Regular adult license

Had to be at least 18 years old or until six months of conviction-free driving had been accumulated.

The major findings of the project Youth License Control Demonstration Project (1993), showed a five percent reduction in crashes and 10 percent reduction in convictions for all 16 and 17 year old drivers. Because it was estimated that only about half of those in that age group were actually operating with provisional licenses at any particular time, the true effectiveness of this program, in terms of reducing crashes and convictions, may have been as high as 10 percent and 20 percent respectively, for drivers subject to the components of the provisional program.

The State of Maryland has, since the completion of this project, extended the period of conviction free driving from six months to one year, and the night-time restriction from 1:00 to 6:00 a.m. to midnight to 6:00 a.m.

California

California's graduated licensing program became operational on October 1, 1983. Components under California's program, relating to drivers 16-17 years of age that were implemented and evaluated, included:

Stage 1: Learner's Permit

Eligibility requirements

- Minimum age for a permit was 15.
- Pass vision test and knowledge test on traffic laws. (One week waiting period if failed traffic law test).
- Must have been enrolled in both driver education and driver training.

Program components

- Permit had to be held for a minimum of 30 days before taking driving test for provisional license.
- Learner could drive only with a licensed driver age 25 years or older.
- Each learner received a teen driver handbook addressing driving problems and encouraging the use of safety belts both as drivers and passengers. A parent-teen handbook was also given to the learner. This handbook was designed for reading by the parents in an effort to actively involve the parents in the drivers learning process.
- Distinct license.

Stage 2 : Provisional License:

Eligibility requirements

- Minimum age was 16 years.
- Had learner's permit for at least one month prior to applying for an intermediate license.
- Pass vision, knowledge, and driving tests.
(One week waiting period if failed knowledge test. Two week waiting period if failed driving test).
- Must have completed driver education and driver training (required under 18).
- Parent's certification that the student received the required additional driving practice.

Program components

- Youthful driver improvement program; subject to postlicensing control actions at lower negligent operator points (e.g., warning letters, driving restrictions, and license suspension).
- Distinctive license.

Stage 3: Full Adult License

Minimum age was 18 years old.

In a December 1988 report titled The Traffic Safety Impact of Provisional Licensing, the California Department of Motor Vehicles reported that while they found no significant effects in reduction of total, fatal, or single vehicle crashes, there was evidence that graduated licensing prevented what otherwise would have been a 13 percent rise in the fatal and injury crash rate among 15-17 year old drivers.

Oregon

Oregon's Provisional Licensing Program was implemented on October 3, 1989. The following components were evaluated:

Stage 1: Instruction Permit

Eligibility requirements

- Minimum age for a permit was 15.
- Pass vision test and knowledge test on rules of the road.

Program components

- Permit was valid for 18 months.
- Licensed adult at least age 21 in required in vehicle.
- Administrative suspension for any measurable amount of alcohol (zero tolerance .00 for under 21).
- If under 18 and convicted of any alcohol or drug offense license was suspended for one year or until 17, whichever was longer.
- Distinct permit.

Stage 2: Provisional License

Eligibility requirements

- Minimum age was 16.
- Had to pass a second level knowledge test on safe driving practices and a road test. If applicant failed the road test, they had to wait 28 days before attempting again.
- Applicant was not required to obtain an learner's permit prior to initial road test, but was required to obtain a permit for at least a month if they failed the initial road test.

Program components

- Administrative suspension for any measurable amount of alcohol (zero tolerance .00 for under 21).
- License was suspended until 18 for any major traffic conviction.
- Accelerated driver improvement actions on fewer convictions (4 stage program).
- If under 18 and convicted of any alcohol or drug offense license was suspended for one year or until 17, whichever was longer.
- Distinct license for driver under the age of 18.

Stage 3: Full License

Eligibility

Minimum age 18

Program Components

Administrative suspension for any measurable amount of alcohol (zero tolerance .00 for under 21).

In general, Oregon's program appeared to effectively and substantially reduce traffic crash rates among 16 and 17 year old male novice drivers. Specifically, Oregon found that provisionally licensed male drivers had approximately 16 percent fewer crashes than non-provisionally licensed male drivers during the first year of driving. No significant differences were found for females. The results of Oregon's program can be found in the March, 1991 report titled, The Effectiveness of Provisional Licensing in Oregon: An analysis of Traffic Safety Benefits.

New Zealand

In 1987, a graduated driver licensing system was introduced for New Zealand's young novice drivers ages 15-25. The following components of this system were implemented and evaluated:

Stage 1: Learner's Permit

Eligibility requirements

- Minimum age for a permit was 15 years old.
- Required to pass written and oral tests, as well as vision and hearing tests.

Program components

- Holder of the permit had to be accompanied by a fully licensed driver (licensed driver, for at least 2 years, at least 20 years old).
- Permit was required for six months before attempting driving test. Six months was reduced to three if learner took a driving course.
- Zero alcohol while driving.

Stage 2: Restricted License

Eligibility requirements

- Minimum age for restricted license was 15 years six months, 15 years three months with driver training course.
- Had to pass practical driver licensing test.

Program components

- Restricted driving from 9:00 p.m. to 5:00 a.m. unless accompanied by an adult.
- No passengers in car unless supervised by an adult (licensed driver, for at least 2 years, at least 20 years old).
- Zero blood alcohol concentration (.00).
- Conviction free for six months (three months if certified by a driving instructor).

Optional third stage required a "clean conviction record" for five consecutive years prior to the final stage of licensure.

Stage 3: Full License

Eligibility requirements

Must have completed 18 months (nine months if successfully completed an advanced driver training course).

Motorcycle operators had the following additional restrictions/conditions:

- 1) no passengers.
- 2) 250 cc maximum engine size.
- 3) maximum speed limit of 70km/h when on a learner's license.
- 4) new riders had to pass a basic skills handling test before receiving a learner's license.
- 5) the GDLS applied to all applicants for a motorcycle riders license, regardless of age.

In the 1992 report titled, The New Zealand Graduated Driver Licensing System, the authors reported an 8 percent reduction in the proportion of crashes involving drivers who were 15-19 year olds.

GRADUATED LICENSING IN THE STATES

Although no state has a comprehensive graduated driver licensing system, some states do have several components of a system. States that have three stages of licensing, meaning they require a learner's permit, have some kind of intermediate license (e.g., provisional or junior license), and a full unrestricted license include: California, Colorado, Maryland, Massachusetts, New York, Pennsylvania, West Virginia, and Wisconsin.

Components of Learner's Permit

In Pennsylvania and Massachusetts, the minimum age required to be eligible for a permit is 16 years. In the other states, the age ranges from 15 years in California and West Virginia to 15 years and 9 months in Maryland. The length of time a permit must be held varies from 90 days in Colorado to no minimum time in New York (no minimum time required but, permit is required prior to taking a road test for a junior license). All of these states require a vision and knowledge test. Supervision of learner's driving varies from parent or guardian in Wisconsin to a licensed driver 18-25 years old or older in the other states. In California, to be eligible for a permit, the learner must be enrolled in driver education and training. In Colorado a learner can receive a permit three months earlier (15 years 3 months) if they are enrolled in driver education. All these states have safety belt laws and California, Maryland, Massachusetts, and West Virginia have zero tolerance laws for under age 21. Wisconsin has a zero tolerance law for under age 19. In Pennsylvania, a license is suspended for any alcohol-related violation.

Components of Intermediate License

The minimum age required for an intermediate license in all of the above states, except Massachusetts, is 16. In Massachusetts the minimum age is 16 1/2. Colorado has a minor's license (age 16-18) and a provisional license (age 18-21). All of these states require a road test. In California, the driver must also pass a provisional licensing law test and vision test. In Wisconsin, the driver must pass a knowledge and vision test. In California, Maryland, Massachusetts, and Wisconsin the new driver must have completed driver education to be eligible for an intermediate license. In West Virginia, if a new driver completes driver education between the ages of 16-18 they are issued an unrestricted license. California is the only state that requires certification of driving practice by a supervising adult to be eligible for an intermediate license. Maryland, Massachusetts, New York, and Pennsylvania have nighttime driving restrictions. All states except Maryland and Pennsylvania, have youthful driver improvement programs which primarily comprise of licensing actions at lower point levels. All of these States have a distinct license.

Components of Full or Unrestricted License

The minimum age for a full unrestricted license is 16 in West Virginia, if driver has completed driver education. In Pennsylvania and New York the age is 17 with having completed driver education. In Pennsylvania the driver must also have one year of conviction free driving. In California, Maryland, Massachusetts, and Wisconsin the age is 18. In Maryland the driver must have one year of conviction free driving and must have completed driver education or three hours of a drug and alcohol awareness program. Colorado's minimum age for a full license is 21.

There are other states that have components of a graduated driver licensing system, but only have a two stage licensing system. For example, some states have a provisional, probationary, or junior license prior to the full license but do not require a permit. Examples of such states include: Idaho, New Jersey, Oregon, Louisiana, and Vermont. Idaho and New Jersey have nighttime driving restrictions, require driver education, and have safety belt and zero tolerance laws. Oregon requires a permit only if a new driver fails the initial road test. Oregon requires a second level knowledge test on safe driving practices, has a zero tolerance law for under age 21, and has accelerated driver improvement actions on fewer convictions. Louisiana has nighttime driving restrictions and lower BAC (.04) for ages 18 and under. Under Vermont's junior operator's license, the new driver is subject to license suspension for violations. Vermont also has a zero tolerance law (.02 BAC) for under age 18.

Another example of a two stage licensing system is states that require a permit before licensing. As a first time licensee, new drivers are under probation or are restricted, meaning that they are subject to license suspension at lower point levels for a certain amount of time. Examples of such states include: Illinois, Michigan, and Ohio. In these three states, a new driver can receive a probationary license at age 16 if they have completed driver education. Ohio and Michigan have zero tolerance laws for under age 21.

For additional information about A Graduated Licensing System contact:

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HB

55

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 55

Revision Date: _____ Dept. Affected: Department of Law
 Title: ... relating to the fiscal operations of the BRU: Civil Division
Alaska Railroad Corporation and to land ... for railroad purposes ... Component: General Legal Services
 Sponsor: House Rules Committee by request of LB&A
 Requester: House Transportation Committee COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	322.5	322.5	322.5	322.5	322.5	322.5
TRAVEL	8.7	8.7	8.7	8.7	8.7	8.7
CONTRACTUAL	58.5	58.5	58.5	58.5	58.5	58.5
SUPPLIES	6.3	6.3	6.3	6.3	6.3	6.3
EQUIPMENT	19.5	19.5	19.5	19.5	19.5	19.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	415.5	415.5	415.5	415.5	415.5	415.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	415.5	415.5	415.5	415.5	415.5	415.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	415.5	415.5	415.5	415.5	415.5	415.5

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	3.0	3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would place the Alaska Railroad Corporation under the Executive Budget Act (AS 37.07) and would transfer ownership of all railroad land to the state. Under this bill, land necessary for railroad operations would be managed by the corporation. The remainder of what is presently railroad land would be managed by the Department of Natural Resources.

The Alaska Railroad Corporation has its own legal counsel to advise it on land management questions. Should ownership of this land be conveyed to the state, legal advice would be provided by the Department of Law. A number of the properties of the ARRC have pre-existing environmental contamination problems. Hazardous substance cleanup and liability issues need to be resolved prior to transfer of title to these lands to the State. DNR will need legal assistance from the Department of Law in resolving these issues. Given that 38,000 acres of land are involved in the proposed transfer of title, at least two attorneys will be needed to assist in the environmental liability aspects of the transfer.

Prepared by: Fred Fisher Phone: 465-3672
 Division: Administrative Services Division *Fred Fisher for* Date: 2/7/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/7/97
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 55

ANALYSIS CONTINUATION:

The federal Bureau of Land Management (BLM) has still not transferred title to certain Alaska Railroad lands in Anchorage and Fairbanks to the ARRC under the federal Alaska Railroad Transfer Act of 1982 because of environmental cleanup issues. One of the properties to which the ARRC has been granted an exclusive use license has been listed on the Superfund National Priorities List by the U.S. Environmental Protection Agency (EPA) and the ARRC was named as a defendant by the United States in an EPA cleanup law suit. The ARRC has incurred significant legal costs concerning cleanup and liability issues for this and other similar properties. The Department of Natural Resources will likely need similar legal assistance concerning these lands. If the State becomes involved in litigation concerning these lands, at least one additional attorney and potentially the hiring of outside counsel, would be required.

A serious issue arises in section 25 of the bill which provides no flexibility for resolving cleanup and liability issues prior to DNR taking title. As written, the State could incur cleanup liabilities in the tens of millions of dollars in addition to those already potentially incurred by ARRC itself. These liabilities may involve very large future expenditures from the Oil and Hazardous Substance Response Fund or from the General Fund.

The cost estimate is based on the department's standard attorney cost schedule (\$127,000) and includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. An additional \$5,000 per position is included for direct case travel, and \$6,500 per position for one-time equipment purchases.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB55

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act relating to the fiscal operation of BRU: Resource Development
the Alaska Railroad Corporation and to land acquired... Component: Land Development
 Sponsor: Rules by Request of LB&A
 Requestor: (H)TRA Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	155.8	155.8	103.0			
TRAVEL						
CONTRACTUAL SUPPLIES	1.5	1.5				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	157.3	157.3	103.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	157.3	157.3	103.0			
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	157.3	157.3	103.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ none

POSITIONS

FULL-TIME	2.75	2.75	1.75	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Assumption: That the bill does not allow direct transfer of excess lands from the ARRC to municipalities; also that the ARRC Realty Office will continue to function and initiate and maintain existing and future leases and contracts within the area reserved for use, maintenance and operation of ARRC.

TITLE ISSUES:

The magnitude of the acreage involved is approximately 36,000 acres for the total land transferred from the federal government to ARRC. It is estimated that the ARRC needs approximately 18,000 to 22,000 acres for operations. That leaves approximately 14,000 to 18,000 acres to be transferred to DNR and subsequently to municipalities. (continued on page 2)

Prepared by: Jane Angvik, Director *Jane Angvik* Phone: 269-8503
 Division: Land Date: 2/5/97
 Approved by Commissioner: *John Stives* Date: _____
 Agency: Natural Resources

Fiscal Note HB-55, continuation

BLM has conveyed the majority of the land to be transferred by the Alaska Railroad Transfer Act to the Alaska Railroad Corporation (ARRC). ARRC has received 3 patents from BLM (Anchorage-2.92 acres, Talkeetna -26.56 acres, and Nenana -6,885.65 acres). The remainder of the railroad land has been conveyed by Interim Conveyance and Exclusive Licenses. Two areas have not been adjudicated by BLM: downtown Anchorage and downtown Fairbanks. BLM reports that there are hazardous materials problems in the areas. Reportedly CIRI has filed litigation affecting the port facilities in Anchorage.

BLM prepared patent documents five years ago to be signed by the Secretary of Transportation as required by ARTA. Apparently, these documents have not been signed because of problems with the CERCLA/hazardous material language. Resolution of these title issues will be time-consuming and require legal assistance from the Attorney General's Office-environmental division or contracting private sector attorneys.

A mechanism is needed to transfer existing land title from the ARRC to the State of Alaska from the existing title (the quitclaim deed) and for future land conveyances from BLM. The chain of title needs to be clear. Litigation reports must be provided by ARRC and reviewed by DNR Title Staff.

Title

71000	1 NRO II	2 yrs. @ \$52.8	=	\$105.6
74000	Supplies	2 yrs. @ \$1.5 per year	=	\$3.0
TOTAL TITLE COST ESTIMATE				\$108.6

Cadastral Survey

Once the corridor has been identified, the US Surveys that conveyed the land to ARRC will be paper platted to separate corridor from land to be conveyed to the state. If the state land is selected by a municipality under AS 29.65 the municipality is required to have the land surveyed at its expense. If other third-party interests are created on the state land, the state may require the party to survey the boundary between ARRC land and state land. Survey personnel costs are for issuance of survey instructions and plat reviews. Preliminary review indicated that there are approximately 14 areas where there are lands excess to the operation of ARRC.

71000	.25 Land Surveyor Asst. - 3 years @ \$15.4	=	\$46.2	
	.10 Land Surveyor - 3 years @ \$ 7.0	=	\$21.0	
TOTAL SURVEY COST ESTIMATE				\$67.2

Municipal Entitlements

Processing anticipated municipal entitlements, based on 14,000 to 18,000 acres of land that may be selected by affected municipalities.

71000	1 NRO II - 3 years @ \$52.8	=	\$158.4	
	.25 NRM I - 3 years @ \$15.1	=	\$45.3	
	.25 NRO I - 3 years @ \$12.7	=	\$38.1	
TOTAL ENTITLEMENTS COST ESTIMATE				\$241.8

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 55

Revision Date: _____ Dept Affected: Natural Resources
 Title: "An Act relating to the fiscal operation of the BRU: Management and Administration
Alaska Railroad Corporation and to land acquired ... Component: Information Resource Management
 Sponsor: Rules by Request of LB&A
 Requestor: (H)TRA Component Serial No. 427

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	29.0					
TRAVEL						
CONTRACTUAL						
SUPPLIES	1.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	30.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	30.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	30.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ none

POSITIONS

FULL-TIME	0.5	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

HB55 revises fiscal operations of the Alaska Railroad Corporation and land acquired by the State of Alaska under the pending eventual transfer of the railroad to the private sector for its ownership or operation, or both, consistent with the Alaska Railroad Transfer Act of 1982.

The Department of Natural Resources is responsible for tracking and updating all resource activity on state land. Section 6 names the Department of Natural Resources as the acting state agency who will receive title to all rail property transferred under 45 U.S.C. 1201-1214 (Alaska Railroad Transfer Act of 1982). To ensure accurate and proper record handling of land transactions on state land, the Department of Natural Resources would perform record updates to existing status plats, and develop an Alaska Railroad Land Database. Costs associated with the above activities is approximately \$30.0 (\$29.0 for personal services, 1/2 of a full-time position; and \$1.0 in cartographic supplies).

Prepared by: Carol Carroll, Director Phone: 465-4730
 Division: Support Services Date: 5-Feb-97
 Approved by Commissioner: *Michael J. ...* Date: 2-5-97
 Agency: Natural Resources

Sponsor Statement

HB 55

"An Act relating to the fiscal operations of the Alaska Railroad Corporation and to land acquired by the State of Alaska under the Alaska Railroad Transfer Act of 1982 or other wise acquired for railroad purposes; and providing for a effective date."

The Alaska Railroad has been a symbol of Alaska's history since the early 1920's and has been operating under state ownership for over 12 years. The federal government transferred the railroad to the State of Alaska in 1985 with a provision to transfer the 36,000 acres of railroad lands after the state operated the railroad for at least 10 years. While the railroad has continued to provide rail service for Alaska, no single financial or capital plan has been established for the railroad or its parent quasi-state owned corporation. During this 12 year span the corporation has had little state oversight. Currently, the Alaska Railroad Corporation (ARRC) is the only state owned corporation not under the Executive Budget Act (AS 37.07).

House Bill 55 will make two changes to the railroad and the corporation. The bill will place the Alaska Railroad under the Executive Budget Act; and will transfer land not needed for rail operations to the state's Department of Natural Resources (DNR). After numerous audit requests, OMB procurement investigations, and many Legislative Budget & Audit Committee hearings spurred by concerned citizens, the LB&A committee recommended and approved introduction of House Bill 55.

If enacted the bill will provide ARRC with the proper financial management exercised by the Governor and the Legislature by bringing the railroad corporation under AS 37.07. Under the Executive Budget Act, the railroad can apply for appropriation from the Legislature to fund the operating, capital and debt service expenditures of the corporation.

Enactment of HB 55 will strengthen the financial integrity of the Alaska Railroad Corporation by securing sound procurement practices, strong

Sponsor Statement

financial management, and sensible Alaskan resident plans for expansion and service.

Other state corporations placed under the Executive Budget Act have benefited greatly. For example, Alaska Housing Finance Corporation was placed under the Executive Budget Act in 1995. AHFC's recent audits show high profits while maintaining a stellar service for Alaska's housing needs. Up 30% from four years ago, AHFC received a perfect score of 100% in the Federal Department of Housing & Urban Development's (HUD's) annual evaluation of the agency. HUD's perfect score recognizes that AHFC has initiated annual budgeting procedures that resulted from the Executive Budget Act review.

There are about 36,000 total acres owned by the Alaska Railroad in Alaska. It is estimated ARRC only needs about 18,000 to 22,000 acres of land for rail operations and rights-of-way. Under HB 55, railroad lands would be transferred from the Federal Bureau of Land Management to DNR, not to ARRC. The railroad corporation would continue to control land needed for maintenance and operation of the rail lines.

In addition, lands not needed for operations can be selectively bought and traded from DNR by local governments like the City of Whittier, Denali Borough and the Municipality of Anchorage. Currently, the City of Whittier is in dire need of land for expansion and industrial growth, yet ARRC owns 52% of the city's core business area and 74% of the harbor's waterfront land; leaving no room for a planned expansion of their harbor and a plan for a new road.

HB 55 does not seek to privatize the railroad or in any other way diminish its existence as a public corporation of the state. The railway has become an integral part of Alaska's economy and folklore. Consequently, HB 55 is the right step forward to enhance the future of the railroad.

The legislation will not address every facet of the Alaska Railroad nor is it meant to. HB 55 will give Alaskans the ability to manage their railroad through the system of checks and balances only offered by a strong democracy and an open door policy.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 17, 1997

SUBJECT: Sectional Summary of HB 55; An Act relating to fiscal operations of the Alaska Railroad Corporation and to land acquired by the State of Alaska under the Alaska Railroad Transfer Act of 1982 or otherwise acquired for railroad purposes. (HB 55)

TO: Representative Terry Martin
Attn: Chris Knight

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 55; An Act relating to fiscal operations of the Alaska Railroad Corporation and to land acquired by the State of Alaska under the Alaska Railroad Transfer Act of 1982 or otherwise acquired for railroad purposes.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends sec. 1(b), ch. 153, SLA 1984 to expand the purposes for which the State of Alaska acquired the Alaska Railroad.

Section 2 of the bill amends AS 37.07.120(1) to amend the definition of "agency", for the purposes of the Executive Budget Act (AS 37.07), to include the Alaska Railroad Corporation.

Section 3 of the bill amends AS 42.40.100 to provide that the board of directors of the Alaska Railroad Corporation shall apply to the legislature for appropriations for the operating and capital expenditures of the Alaska railroad.

Section 4 of the bill amends AS 42.40.250 to provide that the Alaska Railroad Corporation may acquire title to personal property in its own name and real property on behalf of and in the name of the state.

Section 5 of the bill amends AS 42.40.285 by adding a new subsection to provide that the State of Alaska may not exchange, donate, sell, or otherwise convey its entire interest in land acquired under the federal Alaska Railroad Transfer Act or otherwise acquired for the

Sectional

Representative Terry Martin

January 17, 1997

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railroad purposes of the Alaska Railroad Corporation, unless the disposal is approved by the legislature by law.

Section 6 of the bill amends AS 42.40.350 to provide that the State of Alaska, acting through the Department of Natural Resources shall receive title to land granted to the state under the federal Alaska Railroad Transfer Act. Land within a utility corridor (railroad right-of-way) shall be reserved for the use of the Alaska Railroad Corporation. Rail land necessary for the use, maintenance, or operation of the Alaska Railroad shall be reserved for use by the Alaska Railroad Corporation. Land within railroad rights-of-way received by the state under the federal Alaska Railroad Transfer Act may not be leased or otherwise disposed of unless the land is required to be used for transportation, communication, and transportation purposes in perpetuity.

Section 7 of the bill amends AS 42.40.350 to provide that rail land not reserved for use by the Alaska Railroad Corporation is available for selection by and conveyance to municipalities under AS 29.65, if the legislature approves the conveyance by law. Unreserved rail land is to be managed by the Department of Natural Resources.

Sections 8 - 11 of the bill amend AS 42.40.360 and 42.40.370 to provide that the Alaska Railroad Corporation may request the Department of Natural Resources to reserve state land for railroad purposes.

Section 12 of the bill amends AS 42.40.385(a) to provide that the Alaska Railroad Corporation may acquire land by eminent domain only on behalf of and in the name of the State of Alaska.

Sections 13 - 18 of the bill amend several sections of AS 42.40 to conform to changes made by other provisions of the bill and to clarify that title to land used or acquired by the Alaska Railroad Corporation is held by the State of Alaska.

Section 19 of the bill amends AS 42.40.540 to require that the Alaska Railroad Corporation request, in accordance with the Executive Budget Act (AS 37.07), appropriations to carry out the purposes of AS 42.40.

Section 20 of the bill amends AS 42.40.900(a) to provide that lawsuits involving land under the jurisdiction of the Alaska Railroad Corporation must be brought against the corporation and not the state.

Section 21 of the bill amends AS 42.40.900(b) to repeal the exemption of the Alaska Railroad Corporation from the Executive Budget Act (AS 37.07) and the appropriation lapse provisions of AS 37.25.

Representative Terry Martin

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Section 22 of the bill provides for the repeal of provisions allowing the Alaska Railroad Corporation to convey its entire interest in land with the approval of the legislature (AS 42.40.285(1)) and allowing the commissioner of natural resources to convey land to the Alaska Railroad Corporation for less than its appraised value (AS 42.40.370(b)).

Section 23 of the bill sets out when the Alaska Railroad Corporation is to prepare its first budget under AS 37.07.

Section 24 of the bill ratifies any transfer of title to land made by the Alaska Railroad Corporation prior to the effective date of this Act.

Section 25 of the bill provides that title to all land received or acquired by the Alaska Railroad Corporation prior to the effective date of this Act is transferred to the State of Alaska.

Section 26 of this bill provides this Act takes effect immediately.

GU:jdr

97-017.jdr

*Back-up material for House Bill 55 -
The Executive Budget Act and the Alaska Railroad Corporation*

1. A) Memorandum relating to the legality of the Alaska Railroad to appropriate money without legislative oversight. B) Governor Bill Sheffield's Attorney General wrote a letter concerning un-authorized appropriations.
2. Conclusions and findings by the Division of Legislative Audit concerning recent and past audits.
3. A) ARRC financial statements from 1985 through 1995. B) State appropriations to the Alaska Railroad. C) Federal appropriations before formation of the ARRC. D) Federal appropriations in 1995 and 1996 of \$20,000,000 total.
4. Total acres of land 43,374.5 in three different categories. Current status of all railroad lands.
5. Alaska Railroad land reserves in different municipalities and borough areas.
6. A) Resolution from the State Chamber of Commerce relating to advantages of Privatization of the ARRC. B) City of Whittier's resolution requesting the Legislature to appropriate non-operational railroad land to the City of Whittier for fair market value. C) Letter from City of Whittier to the ARRC requesting land for downtown expansion projects.
7. Questions and Answers concerning the Alaska Railroad Corporation (ARRC).

LEGAL SERVICES

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 7, 1997

SUBJECT: Alaska Railroad Corporation (HB 55)

TO: Representative Terry Martin
Attn: Christopher Knight

FROM: Tamara Brandt Cook *TBC*
Director

You has asked me whether the Alaska Railroad Corporation may constitutionally spend revenue it generates without an appropriation. The corporation is exempted from a number of laws under AS 42.40.920(b), including the Executive Budget Act. It is far from certain to me that an exemption from the Executive Budget Act necessarily means that money involved in the exemption may be spent without an appropriation. To the extent that the state constitution requires an appropriation before money is spent, that requirement controls.

The federal Alaska Railroad Transfer Act contains a provision dedicating revenue generated by the railroad to railroad purposes. I am not convinced that a dedication of revenue, however valid under Article IX, sec. 7, places that revenue outside of the appropriation requirement of Article IX, sec. 13. It is possible that a court could conclude that, while revenue may be used only for railroad purposes, before it is so used it must be appropriated. In short, the legislature may still have the right and constitutional obligation to review proposed railroad expenditures and determine whether money will be spent for a particular railroad purpose, rather than another railroad purpose, and in what amount. The Attorney General's office has likewise concluded that a good probability exists that revenue of the Alaska Railroad Corporation is subject to appropriation before expenditure. (Memorandum, 366-575-84, May 26, 1984, copy attached)

It has been argued that money of a public corporation (like the Alaska Railroad Corporation) with an existence independent from the state is not in the state treasury and, therefore, not subject to appropriation. The Attorney General has, however, concluded that money in one public corporation (AHFC) is subject to appropriation to the extent that it is unencumbered. (Informal Opinion, 366-463-85, April 24, 1985, copy attached) That opinion was cited by the Alaska Supreme Court with approval and the court has specifically recognized that money appropriated from AHFC must be counted as "available for appropriation" for purposes of applying Art. IX, sec. 17, relating to the budget reserve fund. (Hickel v. Cowper, 874 P.2d 922 (Alaska 1994) footnotes 11 and 23) This conclusion of the court necessarily

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presupposes that the legislature does, indeed, have the power to make appropriations from AHFC's unencumbered assets. If revenues of that public corporation are subject to appropriation, it would seem quite likely that the revenues of the Alaska Railroad Corporation would also be treated as subject to appropriation by the court.

TBC:pl

97-030.plm

Enclosures

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 24, 1985

Hon. Al Adams, Chairman
House Finance Committee
Alaska House of Representatives
Pouch V
Juneau, AK 99811

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99507
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

Re: Legislative power of appropriation over funds of public corporations
Our file: 366-463-85

Dear Representative Adams:

You have requested our advice whether the legislature's power of appropriation includes the power to appropriate money administered by the Alaska Housing Finance Corporation (AHFC). AHFC was created to administer a state enterprise consisting almost entirely of making housing loans or providing a secondary mortgage market for housing loans originated by private lending institutions. AHFC is a state agency with the power to incur indebtedness if repayment is secured by pledging revenue earned from AHFC enterprises. See Alaska Const. art. IX, § 11. The pledge is secured by dedicating money, including revenues earned from the loan enterprise, to special accounts established for the benefit of bondholders. You desire to know whether the legislature may appropriate directly from AHFC's Alaska housing finance revolving loan fund (AS 18.52.082) for a purpose unrelated to AHFC. In addition, you ask if the unobligated balance of an appropriation from the general fund to the revolving fund may be reappropriated for another purpose.

First, we believe there is little doubt that the legislature may reappropriate the unencumbered and unobligated balance of an existing appropriation. See Inf. Op. Att'y Gen. (Sept. 26; 366-132-81). The legislature is merely reducing the authorization to spend money. The formal act of appropriating money does not invest a person or entity with the right to ultimately expend the money unless a valid, binding contract is made with that entity. It is very doubtful that a political subdivision of the state being entirely a creature of statute could claim a vested right to expend money under an appropriation absent the intervention of innocent third parties. Based on these principles, we

conclude that the unexpended and unobligated balance of an appropriation to the AHFC revolving fund may be appropriated for purposes unrelated to AHFC.

We next turn to the more difficult question of whether the balance of the AHFC revolving fund may be appropriated by the legislature for a purpose unrelated to AHFC. The AHFC revolving fund serves as a central pool of money consisting of the following:

- (1) appropriations from the legislature;
- (2) assets transferred there by AHFC; and
- (3) unrestricted repayments of principal on loans made or purchased by AHFC.

The assets of the revolving fund are transferred to separate funds when necessary to satisfy covenants made with bondholders. Amounts remaining in the fund do not secure specific bond issues of AHFC and remain unrestricted for use by AHFC "for the purposes of the corporation." Id.

The answer to your question turns on whether the revolving fund is within the state treasury or, failing that, if the fund is an asset of the state which may be appropriated by the legislature. Revolving funds administered by state agencies are generally included in the state treasury for financial reporting purposes. However, the AHFC revolving fund is not carried on the state's ledgers as an asset of the state treasury. Rather, the revolving fund is an asset of AHFC. In a recent appropriation Act, the legislature has specifically appropriated to the AHFC revolving fund interest earned on loans made or purchased by AHFC on deposit in the fund. See sec. 1, ch. 129, SLA 1984. This was done to remove any question that AHFC had improperly dedicated an unrestricted revenue source of the state for a special purpose in violation of the dedicated fund prohibition set out in section 7, article IX of the Alaska Constitution. This provides some evidence that the legislature considers unrestricted earnings of AHFC to be subject to appropriation. It is important to note that we have identified these earnings as "unrestricted." This means that the rights of innocent third parties to retain the fund balance as security for the payment of debt service on bonds have not intervened to restrict the ability of AHFC to spend them. We believe that the AHFC revolving fund is not in the state treasury. The effect of this conclusion is that AHFC may spend money in the fund without further appropriation. However, money earned from investments or assets of the

fund have customarily been considered a state asset which may be transferred and deposited into the general fund.

The question then becomes: if the AHFC revolving fund is not in the state treasury, but is an asset of a state agency, is the fund subject to appropriation? We believe that unrestricted money in the fund is probably available for appropriation. No specific authority was located to support this conclusion. We base our opinion on a belief that the legislative power of appropriation will be liberally construed by the courts. The appropriation power is often described as plenary. That is, the power to appropriate is limited only by express provisions set out in the Alaska Constitution. Judicial decisions reciting this principle are legion. See, e.g., San Francisco Labor Council v. Regents of University of California, 608 P.2d 277 (Cal. 1980); City of Sand Springs v. Department of Public Welfare, 608 P.2d 1139, 1148 (Okla. 1980). Absent a specific prohibition in the Alaska Constitution against appropriating assets of an executive branch agency held outside the state treasury, we believe that the legislature may do so. This opinion does not hold that the legislature must appropriate revenue of a public corporation before it can be spent, only that the legislature may exercise control over unrestricted assets of a public corporation. To deny this power would establish an entity capable of segregating unrestricted state revenue forever. At some point, this would do violence to the dedicated fund prohibition set out in article IX, section 7 of the Alaska Constitution.

We believe it is also our responsibility to inform you that there is a contrary view on this subject. The argument could be made on behalf of bondholders that AHFC has undertaken certain obligations to bondholders which are binding on AHFC and the legislature. AHFC bonds are issued as general obligations of the corporation. Typically, AHFC covenants in its indenture that it will "defend, preserve and protect the pledge of the program obligations, pledged revenues, and other assets." Bondholders could attack any direct appropriation of the AHFC revolving fund as a violation of the covenant to preserve assets. We believe this covenant will not restrict legislative appropriations of unrestricted assets of AHFC which are unnecessary to secure the repayment of debt service on bonds. See Opinion of the Justices, 313 N.E.2d 282 (Mass 1977); Opinion of the Justices, 136 N.E.2d 223 (Mass 1956). This means that the directors of AHFC must be certain that an appropriation of corporation assets will not jeopardize its ability to pay debt service on outstanding bonds.

To prepare for and meet any challenge to the appropriation of AHFC assets, we recommend that the legislature not only