

7/09

ALBERTS, COMPTON

HOUSE 19 JANUARY

- C-B (or other engineering economic methods) are often used during project design to evaluate alternatives
- Such tools are often used to select among competing choices, even on projects with low overall economic benefits (example: airport layout for small village)
- Proposed change in statute does not affect this use of C-B consideration

**Statute is being used to argue against projects with C-B ratio less than 1.0**

- In Trout Unlimited lawsuit, the plaintiff's attorney argues state should not build projects with ratio less than 1.0
- Most rural and urban projects would be at risk of this interpretation
  - Ferry projects
  - Transit and bus
  - Trails and beautification
  - Environmental remediation
  - Low volume roads and bridges
  - Airport improvements and relocations
- While current statute does not mandate only projects with positive C-B ratio be selected, this appears part of the motive behind the lawsuit in question

**Statute is not in touch with the reality of transportation needs in Alaska**

- Alaska is inherently a place where low population and vast land area make transportation critical, but often requiring a subsidy.
- Ironically, the recent Congressional justification for Denali Commission funding for transportation argued that transportation in rural areas is vital to our future:

*"... The majority of Alaskan communities remain unconnected. Alaska has been left far behind the rest of the Nation, with a road system that is no system at all. If the highway system is the Nation's skeleton, Alaska is still missing its arms and legs.*

*As a result, many Alaskan communities are punished with third-world conditions and an extraordinarily high cost of living, and the Nation as a whole is that much poorer because Alaska's tremendous natural wealth cannot be shared.*

...<sup>2</sup>

**Alaska has long-suffered the measure of costs versus benefits**

Alaska has long suffered the punditry of being a place with high costs but low benefits. At the time of the Alaska purchase in 1867, Secretary of State, William H. Seward overcame national ridicule (the tag of "Seward's Folly was applied) and strenuous objections to persuade Congress to proceed with the purchase of

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<sup>2</sup> Senator Lisa Murkowski, US Senate Floor speech on amendment to S1072, February 12, 2004

Alaska for \$7.2 million. Similarly, for nearly 40 years after the federal-aid highway program was started in the early 1900's, Congress denied Alaska access to this funding, because it felt the transportation needs in Alaska were so great the federal program could not be exposed to such costs. Now, as then, important transportation needs in Alaska often must be built as a public good, even where indicators such as cost-benefit analysis are used to oppose such projects. In 1867, those who sought to deny the purchase of Alaska spoke of 'folly' as to the value of the Alaska purchase. For Alaskans today, the age old 'folly' argument seems to never really 'ie!

**Case Status:**  
In the Superior Court for the State of Alaska  
Third Judicial District at Anchorage

Alaska State Council of )  
Trout Unlimited, Robert B. )  
Gillam, )  
 )  
Plaintiffs, )  
 )  
vs )  
 )  
State of Alaska, Alaska )  
Department of Transportation )  
and Public Facilities, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Filed: July 25, 2002

Case: 3AN-02-0763CI

*July 25, 2002* - Plaintiffs filed suit seeking "injunctive and declaratory relief against the Alaska Department of Transportation and Public Facilities (DOT&PF) for having violated AS 44.42.020 and AS 44.42.050 by scheduling for construction in 2003 a proposed, approximately 19-mile rural road<sup>1</sup> and bridge project from Iliamna, Alaska to Nondalton, Alaska in Southwest Alaska ..."

*May 1, 2003* - Plaintiff's filed for a preliminary injunction that defendants be restrained from constructing or contracting to construct the Iliamna - Nondalton project.

*January 5, 2004* - Preliminary injunction granted to Plaintiffs. DOT&PF was ordered to **cease any action** to construct, contract to construct, or produce final design of the Iliamna-Nondalton road and bridge project **until the economic costs of the project are considered** in the next revision to the "Southwest Regional Transportation Plan" as required by AS 44.42.050, or until further order of this court. (Emphasis added.)

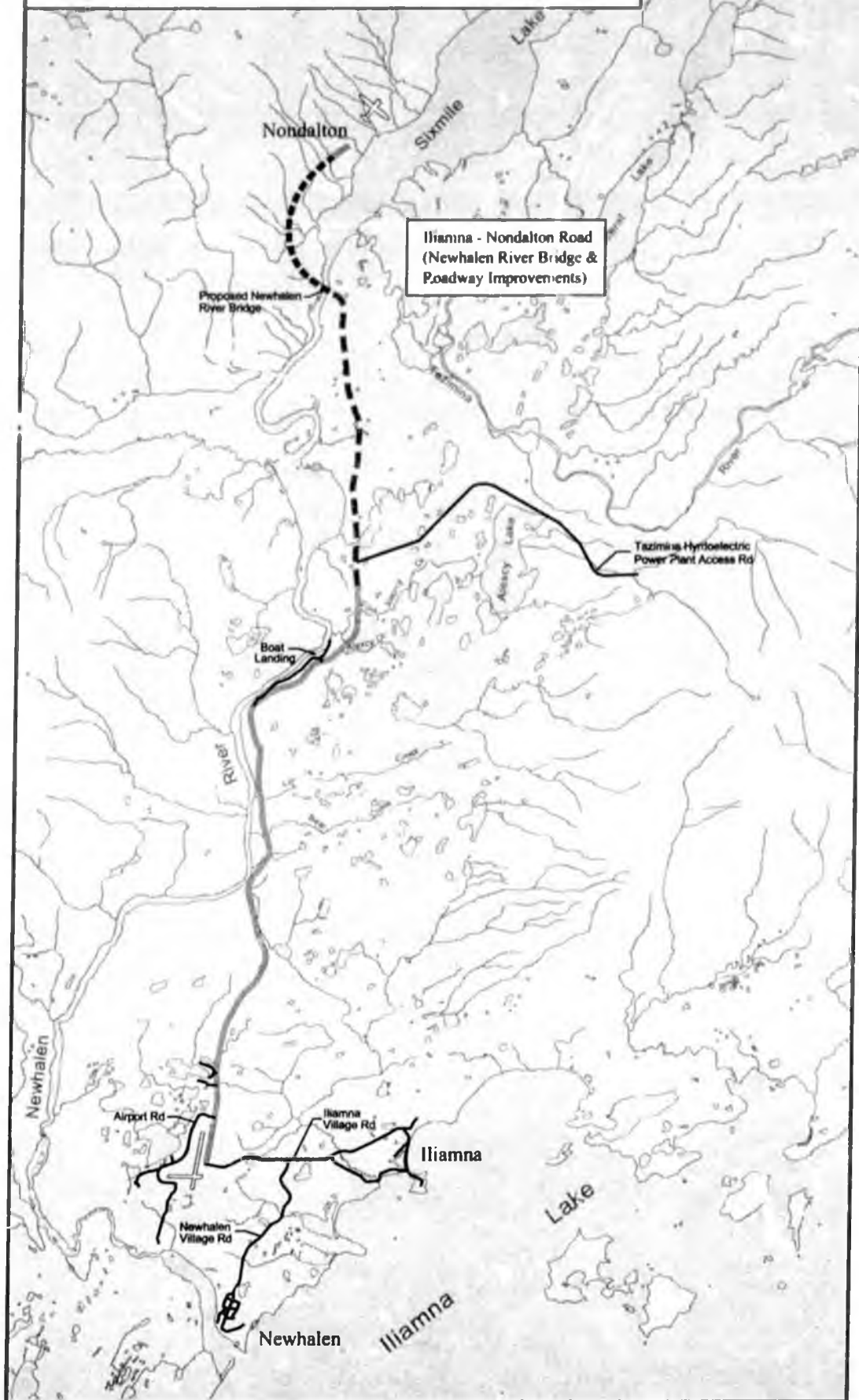
*September 30, 2004* - "Southwest Alaska Transportation Plan" was revised. The revision consisted of extracting the Iliamna-Nondalton Road/Bridge project and the Aleknagik/Wood River Bridge project from the Plan baseline and subjecting them to the cost effectiveness methodology used to evaluate the other capital projects in the Plan. The two projects were subjected to an economic analysis that was incorporated into the Plan.

*January 14, 2005* - The preliminary injunction was lifted. It is unclear at this time whether the remaining causes of action filed in the lawsuit will be litigated.

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<sup>1</sup> The road already exists, in different forms and (absent the bridge), from Iliamna to Nondalton. Going north from Iliamna, roughly the first 11.5 miles is paved, the next 4.5 miles to the site of the proposed bridge is a gravel road and the remaining 2.5 miles from the other side of the river to Nondalton is in the form of a pioneer road.

# Iliamna-Nondalton Proposed Road Improvements January 2005



24-LS0419U  
Utermohle  
4/6/05

**CS FOR HOUSE BILL NO. 239(TRA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Originated:**  
**Referred:**

**Sponsor(s): HOUSE TRANSPORTATION COMMITTEE BY REQUEST**

**A BILL**  
**FOR AN ACT ENTITLED**

1 "An Act relating to the powers and duties of the Department of Transportation and  
2 Public Facilities; repealing the requirement for a long-range program for highway  
3 construction and maintenance; and repealing a requirement that public facilities comply  
4 with energy standards adopted by the Department of Transportation and Public  
5 Facilities; and providing for an effective date."

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

7 \* Section 1. AS 19.05.040 is amended to read:

8 **Sec. 19.05.040. Powers of department.** The department may

- 9 (1) acquire property;
- 10 (2) exercise the power of eminent domain;
- 11 (3) take immediate possession of real property, or any interest in real
- 12 property [IT] under a declaration of taking or by other lawful means;
- 13 (4) acquire rights-of-way for present or future use;

- 1 (5) control access to highways;
- 2 (6) regulate roadside development;
- 3 (7) preserve and maintain the scenic beauty along state highways;
- 4 (8) dispose of property acquired for highway purposes;
- 5 (9) accept and dispose of federal funds or property available for
- 6 highway construction, maintenance, or equipment;
- 7 (10) enter into contracts or agreements relating to highways with the
- 8 federal government, municipalities, a political subdivision, or with a foreign
- 9 government, if the contract is approved by the federal government;
- 10 (11) establish, levy, and collect tolls, fees, charges, and rentals for the
- 11 use of state roads, highways, bridges, tunnels, crossings, and causeways;
- 12 (12) exercise any other power necessary to carry out the purpose of
- 13 AS 19.05 - AS 19.25; and
- 14 (13) award and administer grants authorized by appropriation by
- 15 the legislature [NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF
- 16 THE DUTIES AND EXECUTION OF THE POWERS OF THE HIGHWAY
- 17 SAFETY PLANNING AGENCY].

18 \* Sec. 2. AS 44.42.020(a) is amended to read:

- 19 (a) The department shall
- 20 (1) plan, design, construct, and maintain all state modes of
- 21 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
- 22 and similar facilities;
- 23 (2) study existing transportation modes and facilities in the state to
- 24 determine how they might be improved or whether they should continue to be
- 25 maintained;
- 26 (3) study alternative means of improving transportation in the state
- 27 with regard to the economic costs of each alternative and its environmental and social
- 28 effects;
- 29 (4) develop a comprehensive, long-range, intermodal transportation
- 30 plan for the state;
- 31 (5) study alternatives to existing modes of transportation in urban areas

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and develop plans to improve urban transportation;

(6) cooperate and coordinate with and enter into agreements with federal, state, and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities and all docks, floats, breakwaters, and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

(8) study alternative means of transportation in the state, considering the economic, social, and environmental effects of each alternative;

(9) coordinate and develop state and regional transportation systems, considering deletions, additions, and the absence of alterations;

(10) develop facility program plans for transportation and state buildings, docks, and breakwaters required to implement the duties set out in this section, including but not limited to functional performance criteria and schedules for completion;

(11) supervise and maintain all state automotive and mechanical equipment, aircraft, and vessels, except vessels and aircraft used by the Department of Fish and Game or the Department of Public Safety; for state vehicles maintained by the department, the department shall every five years [ANNUALLY] evaluate the cost, efficiency, and commercial availability of alternative fuels [NATURAL GAS] for automotive purposes, and the purpose for which the vehicles are intended to be used, and convert or purchase vehicles to use alternative fuels [UTILIZE NATURAL GAS] whenever practicable; the department may participate in joint ventures with public or private partners that will foster the availability of alternative fuels [NATURAL GAS] for all automotive fuel consumers;

(12) supervise aeronautics inside the state, under AS 02.10;

(13) [COMPLETE AND MAINTAIN A CURRENT INVENTORY OF PUBLIC FACILITIES, INCLUDING A PROJECTION OF THE SERVICEABILITY OF THE FACILITIES AND PROJECTIONS OF REPLACEMENTS AND ADDITIONS TO FACILITIES NEEDED TO PROVIDE THE LEVEL OF SERVICES PROGRAMMED BY THE VARIOUS USER

1 AGENCIES, FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN  
2 12,000 AND FOR UNINCORPORATED COMMUNITIES, AND PERFORM  
3 THOSE DUTIES ON A COOPERATIVE BASIS WITH LARGER  
4 MUNICIPALITIES;

5 (14) ADOPT ENERGY PERFORMANCE STANDARDS FOR  
6 PUBLIC FACILITIES OF THE STATE, THE CONSTRUCTION OF WHICH  
7 BEGINS AFTER JULY 1, 1980; THE STANDARDS SHALL BE BASED ON  
8 THERMAL AND LIGHTING ENERGY STANDARDS ESTABLISHED BY THE  
9 AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR  
10 CONDITIONING ENGINEERS AS ADAPTED FOR APPLICATION IN HIGH  
11 LATITUDE, COLD CLIMATE ENVIRONS;

12 (15) PROVIDE PLANNING ASSISTANCE, INCLUDING BUT NOT  
13 LIMITED TO ENERGY AUDITS AND RELATED TECHNICAL SERVICES, TO  
14 SCHOOL DISTRICTS AND REGIONAL EDUCATIONAL ATTENDANCE  
15 AREAS TO DEVELOP AND IMPLEMENT

16 (A) STANDARDS FOR THE DESIGN, CONSTRUCTION,  
17 AND OPERATION OF RURAL EDUCATIONAL FACILITIES; AND

18 (B) ENERGY CONSERVATION MEASURES FOR RURAL  
19 EDUCATIONAL FACILITIES;

20 (16) implement the safety and financial responsibility requirements  
21 for air carriers under AS 02.40;

22 ~~(14)~~ [(17)] inspect weights and measures;

23 (15) at least every four years study alternatives available to finance  
24 transportation systems in order to provide an adequate level of funding to sustain  
25 and improve the state's transportation system.

26 \* Sec. 3. AS 44.42.050(a) is amended to read:

27 (a) The commissioner shall develop [ANNUALLY] a comprehensive,  
28 intermodal, long-range transportation plan for the state. The plan may be developed  
29 in multiple documents that address logical components, including geographic  
30 areas, modes of transportation, transportation corridors, systems, and other  
31 distinct subjects relevant to transportation planning. The components of the plan

1 shall be revised as the commissioner determines appropriate. In developing and  
2 revising the state plan, the commissioner shall conform to the requirements for the  
3 eligibility and use of federal and other funds, as applicable. Upon approval of  
4 each component of the plan by the commissioner, the commissioner shall  
5 transmit notice of the approval of that component to the governor and  
6 [CONSIDER MEANS AND COSTS OF IMPROVING EXISTING MODES AND  
7 FACILITIES, STATE AND FEDERAL SUBSIDIES, AND THE COSTS AND  
8 BENEFITS OF NEW TRANSPORTATION MODES AND FACILITIES. THE  
9 COMMISSIONER SHALL ALSO CONSIDER THE RECOMMENDATION OF  
10 THE ALASKA TRANSPORTATION PLANNING COUNCIL. THE PLAN SHALL  
11 BE SUBMITTED TO THE GOVERNOR FOR REVIEW AND APPROVAL AND  
12 SUBMITTED BY THE GOVERNOR] to the legislature.

13 \* Sec. 4. AS 44.42.050(d) is amended to read:

14 (d) The commissioner shall develop a list [PLAN MUST INCLUDE A  
15 DESCRIPTION] of projects scheduled [PLANNED] for design, [AND] construction,  
16 or other necessary activities for a period of not less than [THE FOLLOWING] two  
17 years that is consistent with the plan developed under (a) of this section. The list  
18 of projects [DESCRIPTION] is in addition to the long-range plan required by (a) of  
19 this section [AND BY AS 19.10.140]. The list of projects [DESCRIPTION] must  
20 include an estimate of federal, state, and other funds anticipated to be received to  
21 fund the projects and a description, location, and itemization of the estimated cost  
22 for each project and the total cost of all projects. [THE COMMISSIONER SHALL  
23 PROPOSE AND FORWARD TO THE GOVERNOR FOR REVIEW AND  
24 APPROVAL AND INCLUSION, AS APPROVED, IN THE CAPITAL BUDGET A  
25 CONSTRUCTION PROGRAM THAT INCLUDES THE PROJECTS TO BE  
26 UNDERTAKEN DURING THE FOLLOWING TWO YEARS INCLUDING  
27 RECOMMENDED PROJECT PRIORITIES. FUNDS FOR TRANSPORTATION  
28 CONSTRUCTION PROJECTS AND NECESSARY CONTINGENCIES SHALL BE  
29 ITEMIZED AS ALLOCATIONS WITHIN THE BILL FOR THE GENERAL  
30 APPROPRIATIONS ACT.]

31 \* Sec. 5. AS 44.42.050 is amended by adding a new subsection to read:

1 (e) In evaluating new highways, airports, terminals, ferries, and other major  
2 components for inclusion in the plan, the commissioner shall prepare a cost-  
3 effectiveness analysis using a consistent methodology. A cost-effectiveness analysis  
4 is not required for a project that involves the rehabilitation and maintenance of an  
5 existing transportation system or that primarily serves local transportation needs.

6 \* Sec. 6. AS 46.11.900(8) is amended to read:

7 (8) "thermal and lighting energy standards" means the thermal and  
8 lighting energy standards

9 (A) established by the American Society of Heating,  
10 Refrigeration, and Air Conditioning Engineers as revised

11 [(i) BY THE COMMISSIONER OF  
12 TRANSPORTATION AND PUBLIC FACILITIES UNDER  
13 AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

14 (ii)] by the Alaska Housing Finance Corporation for  
15 buildings and structures that are not public facilities; or

16 (B) developed in regulations adopted

17 [(i) BY THE COMMISSIONER OF  
18 TRANSPORTATION AND PUBLIC FACILITIES UNDER  
19 AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

20 (ii)] by the Alaska Housing Finance Corporation for  
21 buildings and structures that are not public facilities.

22 \* Sec. 7. AS 19.10.140 and AS 46.11.010 are repealed.

23 \* Sec. 8. Section 5 of this Act takes effect July 1, 2006.

24-LS0419A  
Utermohle  
1/18/05

**HOUSE BILL NO.**

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

**BY**

Introduced:  
Referred:

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the powers and duties of the Department of Transportation and  
2 Public Facilities; repealing the requirement for a long-range program for highway  
3 construction and maintenance; and repealing a requirement that public facilities comply  
4 with energy standards adopted by the Department of Transportation and Public  
5 Facilities."

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

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

9 PURPOSE OF SECTION 4 OF THIS ACT. The purpose of the amendment of  
10 AS 44.42.050(a) by sec. 4 of this Act is to conform state statutes with federal standards and  
11 current practice of the state for planning of transportation systems.

12 \* **Sec. 2.** AS 19.05.040 is amended to read:

13 **Sec. 19.05.040. Powers of department.** The department may

- 1 (1) acquire property;
- 2 (2) exercise the power of eminent domain;
- 3 (3) take immediate possession of real property, or any interest in real
- 4 property [IT] under a declaration of taking or by other lawful means;
- 5 (4) acquire rights-of-way for present or future use;
- 6 (5) control access to highways;
- 7 (6) regulate roadside development;
- 8 (7) preserve and maintain the scenic beauty along state highways;
- 9 (8) dispose of property acquired for highway purposes;
- 10 (9) accept and dispose of federal funds or property available for
- 11 highway construction, maintenance, or equipment;
- 12 (10) enter into contracts or agreements relating to highways with the
- 13 federal government, municipalities, a political subdivision, or with a foreign
- 14 government, if the contract is approved by the federal government;
- 15 (11) establish, levy, and collect tolls, fees, charges, and rentals for the
- 16 use of state roads, highways, bridges, tunnels, crossings, and causeways;
- 17 (12) exercise any other power necessary to carry out the purpose of
- 18 AS 19.05 - AS 19.25; and
- 19 (13) award grants necessary or incidental to the performance of the
- 20 duties and execution of the powers of the department [HIGHWAY SAFETY
- 21 PLANNING AGENCY].

22 \* Sec. 3. AS 44.42.020(a) is amended to read:

23 (a) The department shall

- 24 (1) plan, design, construct, and maintain all state modes of
- 25 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
- 26 and similar facilities;
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- 28 determine how they might be improved or whether they should continue to be
- 29 maintained;
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- 31 with regard to the economic costs of each alternative and its environmental and social

1 effects;

2 (4) develop a comprehensive, long-range, intermodal transportation  
3 plan for the state;

4 (5) study alternatives to existing modes of transportation in urban areas  
5 and develop plans to improve urban transportation;

6 (6) cooperate and coordinate with and enter into agreements with  
7 federal, state, and local government agencies and private organizations and persons in  
8 exercising its powers and duties;

9 (7) manage, operate, and maintain state transportation facilities and all  
10 docks, floats, breakwaters, and buildings, including all state highways, vessels,  
11 railroads, pipelines, airports, and aviation facilities;

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13 the economic, social, and environmental effects of each alternative;

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15 considering deletions, additions, and the absence of alterations;

16 (10) develop facility program plans for transportation and state  
17 buildings, docks, and breakwaters required to implement the duties set out in this  
18 section, including but not limited to functional performance criteria and schedules for  
19 completion;

20 (11) supervise and maintain all state automotive and mechanical  
21 equipment, aircraft, and vessels, except vessels and aircraft used by the Department of  
22 Fish and Game or the Department of Public Safety; for state vehicles maintained by  
23 the department, the department shall periodically [ANNUALLY] evaluate the cost,  
24 efficiency, and commercial availability of alternative fuels [NATURAL GAS] for  
25 automotive purposes, and the purpose for which the vehicles are intended to be used,  
26 and convert or purchase vehicles to use alternative fuels [UTILIZE NATURAL  
27 GAS] whenever practicable; the department may participate in joint ventures with  
28 public or private partners that will foster the availability of alternative fuels  
29 [NATURAL GAS] for all automotive fuel consumers;

30 (12) supervise aeronautics inside the state, under AS 02.10;

31 (13) [COMPLETE AND MAINTAIN A CURRENT INVENTORY

1 OF PUBLIC FACILITIES, INCLUDING A PROJECTION OF THE  
2 SERVICEABILITY OF THE FACILITIES AND PROJECTIONS OF  
3 REPLACEMENTS AND ADDITIONS TO FACILITIES NEEDED TO PROVIDE  
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5 AGENCIES, FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN  
6 12,000 AND FOR UNINCORPORATED COMMUNITIES, AND PERFORM  
7 THOSE DUTIES ON A COOPERATIVE BASIS WITH LARGER  
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9 (14) ADOPT ENERGY PERFORMANCE STANDARDS FOR  
10 PUBLIC FACILITIES OF THE STATE, THE CONSTRUCTION OF WHICH  
11 BEGINS AFTER JULY 1, 1980; THE STANDARDS SHALL BE BASED ON  
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29 and improve the state's transportation system.

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1 intermodal, long-range transportation plan for the state. The plan shall be developed  
2 in multiple documents that address logical components, including geographic  
3 areas, modes of transportation, transportation corridors, systems, and other  
4 distinct subjects relevant to transportation planning. The components of the plan  
5 shall be revised as the commissioner determines appropriate. In developing and  
6 revising the state plan, the commissioner shall conform to the requirements for the  
7 eligibility and use of federal and other funds, as applicable. Upon approval of  
8 each component of the plan by the commissioner, the commissioner shall  
9 transmit notice of the approval of that component to the governor and  
10 [CONSIDER MEANS AND COSTS OF IMPROVING EXISTING MODES AND  
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21 years that is consistent with the plan developed under (a) of this section. The list  
22 of projects [DESCRIPTION] is in addition to the long-range plan required by (a) of  
23 this section [AND BY AS 19.10.140]. The list of projects [DESCRIPTION] must  
24 include an estimate of federal, state, and other funds anticipated to be received to  
25 fund the projects and a description, location, and itemization of the estimated cost  
26 for each project and the total cost of all projects. The commissioner shall propose and  
27 forward to the governor for review and approval a [AND INCLUSION, AS  
28 APPROVED, IN THE] capital budget [A CONSTRUCTION PROGRAM] that  
29 includes the projects to be undertaken during the following year [TWO YEARS],  
30 including recommended project priorities. [FUNDS FOR TRANSPORTATION  
31 CONSTRUCTION PROJECTS AND NECESSARY CONTINGENCIES SHALL BE

1 ITEMIZED AS ALLOCATIONS WITHIN THE BILL FOR THE GENERAL  
2 APPROPRIATIONS ACT.]

3 \* Sec. 6. AS 46.11.900(8) is amended to read:

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**HOUSE BILL NO.**

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**BY**

**Introduced:  
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**A BILL**

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2 **Public Facilities; repealing the requirement for a long-range program for highway**  
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- 8 federal government, municipalities, a political subdivision, or with a foreign
- 9 government, if the contract is approved by the federal government;
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- 11 use of state roads, highways, bridges, tunnels, crossings, and causeways;
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- 15 the legislature [NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF
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7 railroads, pipelines, airports, and aviation facilities;

8 (8) study alternative means of transportation in the state, considering  
9 the economic, social, and environmental effects of each alternative;

10 (9) coordinate and develop state and regional transportation systems,  
11 considering deletions, additions, and the absence of alterations;

12 (10) develop facility program plans for transportation and state  
13 buildings, docks, and breakwaters required to implement the duties set out in this  
14 section, including but not limited to functional performance criteria and schedules for  
15 completion;

16 (11) supervise and maintain all state automotive and mechanical  
17 equipment, aircraft, and vessels, except vessels and aircraft used by the Department of  
18 Fish and Game or the Department of Public Safety; for state vehicles maintained by  
19 the department, the department shall periodically [ANNUALLY] evaluate the cost,  
20 efficiency, and commercial availability of alternative fuels [NATURAL GAS] for  
21 automotive purposes, and the purpose for which the vehicles are intended to be used,  
22 and convert or purchase vehicles to use alternative fuels [UTILIZE NATURAL  
23 GAS] whenever practicable; the department may participate in joint ventures with  
24 public or private partners that will foster the availability of alternative fuels  
25 [NATURAL GAS] for all automotive fuel consumers;

26 (12) supervise aeronautics inside the state, under AS 02.10;

27 (13) [COMPLETE AND MAINTAIN A CURRENT INVENTORY  
28 OF PUBLIC FACILITIES, INCLUDING A PROJECTION OF THE  
29 SERVICEABILITY OF THE FACILITIES AND PROJECTIONS OF  
30 REPLACEMENTS AND ADDITIONS TO FACILITIES NEEDED TO PROVIDE  
31 THE LEVEL OF SERVICES PROGRAMMED BY THE VARIOUS USER

1 AGENCIES, FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN  
2 12,000 AND FOR UNINCORPORATED COMMUNITIES, AND PERFORM  
3 THOSE DUTIES ON A COOPERATIVE BASIS WITH LARGER  
4 MUNICIPALITIES;

5 (14) ADOPT ENERGY PERFORMANCE STANDARDS FOR  
6 PUBLIC FACILITIES OF THE STATE, THE CONSTRUCTION OF WHICH  
7 BEGINS AFTER JULY 1, 1980; THE STANDARDS SHALL BE BASED ON  
8 THERMAL AND LIGHTING ENERGY STANDARDS ESTABLISHED BY THE  
9 AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR  
10 CONDITIONING ENGINEERS AS ADAPTED FOR APPLICATION IN HIGH  
11 LATITUDE, COLD CLIMATE ENVIRONS;

12 (15) PROVIDE PLANNING ASSISTANCE, INCLUDING BUT NOT  
13 LIMITED TO ENERGY AUDITS AND RELATED TECHNICAL SERVICES, TO  
14 SCHOOL DISTRICTS AND REGIONAL EDUCATIONAL ATTENDANCE  
15 AREAS TO DEVELOP AND IMPLEMENT

16 (A) STANDARDS FOR THE DESIGN, CONSTRUCTION,  
17 AND OPERATION OF RURAL EDUCATIONAL FACILITIES; AND

18 (B) ENERGY CONSERVATION MEASURES FOR RURAL  
19 EDUCATIONAL FACILITIES;

20 (16)] implement the safety and financial responsibility requirements  
21 for air carriers under AS 02.40;

22 ~~(14)~~ [(17)] inspect weights and measures;

23 ~~(15)~~ periodically study alternatives available to finance  
24 transportation systems in order to provide an adequate level of funding to sustain  
25 and improve the state's transportation system.

26 \* Sec. 3. AS 44.42.050(a) is amended to read:

27 (a) The commission shall develop [ANNUALLY] a comprehensive,  
28 intermodal, long-range transportation plan for the state. The plan may be developed  
29 in multiple documents that address logical components, including geographic  
30 areas, modes of transportation, transportation corridors, systems, and other  
31 distinct subjects relevant to transportation planning. The components of the plan

1 shall be revised as the commissioner determines appropriate. In developing and  
2 revising the state plan, the commissioner shall conform to the requirements for the  
3 eligibility and use of federal and other funds, as applicable. Upon approval of  
4 each component of the plan by the commissioner, the commissioner shall  
5 transmit notice of the approval of that component to the governor and  
6 [CONSIDER MEANS AND COSTS OF IMPROVING EXISTING MODES AND  
7 FACILITIES, STATE AND FEDERAL SUBSIDIES, AND THE COSTS AND  
8 BENEFITS OF NEW TRANSPORTATION MODES AND FACILITIES. THE  
9 COMMISSIONER SHALL ALSO CONSIDER THE RECOMMENDATION OF  
10 THE ALASKA TRANSPORTATION PLANNING COUNCIL. THE PLAN SHALL  
11 BE SUBMITTED TO THE GOVERNOR FOR REVIEW AND APPROVAL AND  
12 SUBMITTED BY THE GOVERNOR] to the legislature.

13 \* Sec. 4. AS 44.42.050(d) is amended to read:

14 (d) The commissioner shall develop a list [PLAN MUST INCLUDE A  
15 DESCRIPTION] of projects scheduled [PLANNED] for design, [AND] construction,  
16 or other necessary activities for a period of not less than [THE FOLLOWING] two  
17 years that is consistent with the plan developed under (a) of this section. The list  
18 of projects [DESCRIPTION] is in addition to the long-range plan required by (a) of  
19 this section [AND BY AS 19.10.140]. The list of projects [DESCRIPTION] must  
20 include an estimate of federal, state, and other funds anticipated to be received to  
21 fund the projects and a description, location, and itemization of the estimated cost  
22 for each project and the total cost of all projects. [THE COMMISSIONER SHALL  
23 PROPOSE AND FORWARD TO THE GOVERNOR FOR REVIEW AND  
24 APPROVAL AND INCLUSION, AS APPROVED, IN THE CAPITAL BUDGET A  
25 CONSTRUCTION PROGRAM THAT INCLUDES THE PROJECTS TO BE  
26 UNDERTAKEN DURING THE FOLLOWING TWO YEARS INCLUDING  
27 RECOMMENDED PROJECT PRIORITIES. FUNDS FOR TRANSPORTATION  
28 CONSTRUCTION PROJECTS AND NECESSARY CONTINGENCIES SHALL BE  
29 ITEMIZED AS ALLOCATIONS WITHIN THE BILL FOR THE GENERAL  
30 APPROPRIATIONS ACT.]

31 \* Sec. 5. AS 46.11.900(8) is amended to read:

1 (8) "thermal and lighting energy standards" means the thermal and  
2 lighting energy standards

3 (A) established by the American Society of Heating,  
4 Refrigeration, and Air Conditioning Engineers as revised

5 [(i) BY THE COMMISSIONER OF  
6 TRANSPORTATION AND PUBLIC FACILITIES UNDER  
7 AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

8 (ii)] by the Alaska Housing Finance Corporation for  
9 buildings and structures that are not public facilities; or

10 (B) developed in regulations adopted

11 [(i) BY THE COMMISSIONER OF  
12 TRANSPORTATION AND PUBLIC FACILITIES UNDER  
13 AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

14 (ii)] by the Alaska Housing Finance Corporation for  
15 buildings and structures that are not public facilities.

16 \* Sec. 6. AS 19.10.140 and AS 46.11.010 are repealed.

Attached Message

From: Pat Kemp <pat\_kemp@dot.state.ak.us> [ Save Address ]  
To: Robin L Taylor <robin\_taylor@dot.state.ak.us>  
Subject: [Fwd: Suggested draft of DOT Planning Powers rewrite]  
Date: Tue, 14 Dec 2004 07:54:53 -0900 (AKST)

Attached Message

From: Jeff Ottesen <jeff\_ottesen@dot.state.ak.us> [ Save Address ]  
To: Pat Kemp <pat\_kemp@dot.state.ak.us>, Peter K Putzler <peter\_putzler@law.state.ak.us>  
Subject: Suggested draft of DOT Planning Powers rewrite  
Date: Mon, 13 Dec 2004 10:03:07 -0900 (AKST)

Here is out latest internal draft. It has been gone over in an earlier version by both the Law DOT section as well as Deb Behr's office. Latest thinking is to have it introduced by legislators, not governor.

Pat you thought you knew of a possible sponsor. Feel free to share this version.

Sec. 465 are the key sections. Remainder of bill is mostly house keeping but not too likelyst to draw fire from anyone.

Unlike last year's version, this one does not have retroactivity, nor does it openly trump an active lawsuit. But who knows. We may have to add one or both features in, depending on how things go in court over next few months.

BTW, the current state suit is now arguing over the accuracy of the travel estimate, with plaintiff's attorney arguing state's 20-year out estimate of travel does not achieve scientific certainty! Crux of the issue is we had only 3 roads in same region to compare too, and the statistical range of possibility ran from -1.1 to +1.3 million trips per year using these 3 data points. Our estimate is for about +0.1 million trips or very near middle of range and of course in bottom 10% of range if you throw out the impossible outcome of NEGATIVE TRIPS (whatever they are??).

Attachment 1: Billv3.doc (application/msword)

<b>VCARD</b>
fn:Jeff Ottesen
n:Ottesen,Jeff
org:Alaska Dept. of Transportation;Division of Program Development
adr;dom;;;3132 Channel Drive;Juneau;AK;99801
email;internet:jeff_ottesen@dot.state.ak.us
title:Director
tel;work:(907) 465-6971
tel;fax:(907) 465-6984
tel;cell:(907) 351-2009



[Print] [Close]

From: Robin Taylor <robin\_taylor@dot.state.ak.us>  
To: jmelkins@att.net  
Subject: [Fwd: [Fwd: [Fwd: Suggested draft of DOT Planning Powers rewrite]]]  
Date: Tue, 14 Dec 2004 17:41:34 +0000

Robin Taylor  
Special Assistant  
DOT Southeast Region  
(907)465-1897  
Cell: (907)254-8130

This is a privileged and confidential communication. If you are not the intended recipient, please: (1) Notify the sender of the error; (2) Destroy this communication entirely, including deletion of all associated attachment files from all individual a network storage devices; and (3) Refrain from copying or disseminating this communication by any means.

**Attached Message**

From: Robin Taylor <robin\_taylor@dot.state.ak.us> [ Save Address ]  
To: jmelkins@att.com  
Cc: "Patrick J. Kemp" <pat\_kemp@dot.state.ak.us>, "Paxton, Gary" <gary\_paxton@dot.state.ak.us>  
Subject: [Fwd: [Fwd: Suggested draft of DOT Planning Powers rewrite]]  
Date: Tue, 14 Dec 2004 08:38:40 -0900

Dear Representative Jim:

Attached hereto is the latest draft of the DOT bill, which we discussed last evening. This bill would remove the cost/benefit ratio requirement, from the law. This section of law is currently being used by the Environmental extremists to stop state projects and the repeal and reenactment of this law, needs to be made retro-active if we are to move forward on the Cascade Point, road extension project. The continued abuse of this law by the opponents of development in this state, will affect every state project if not corrected. Please call if you or your staff have any questions.

Robin

Robin Taylor  
Special Assistant  
DOT Southeast Region  
(907)465-1897  
Cell: (907)254-8130

This is a privileged and confidential communication. If you are not the intended recipient, please: (1) Notify the sender of the error; (2) Destroy this communication entirely, including deletion of all associated attachment files from all individual a network storage devices; and (3) Refrain from copying or disseminating this communication by any means.

# ALASKA STATE LEGISLATURE

## INTERIM

50 Front St.  
Suite #203  
Ketchikan, Alaska 99901  
Phone: (907) 247-4672  
Fax: (907) 225-8546



## SESSION

Suite 416  
State Capitol Building  
Juneau, Alaska 99801  
Phone: (907) 465-3424  
Fax: (907) 465-3793

## REPRESENTATIVE JIM ELKINS

---

**To: George Utermohle**

**From: Jos - Transportation Committee Aide Rep. Elkins**

**Total Pages including Cover: 8**

**“An Act relating to the powers and duties of the Department of Transportation and Public Facilities; relating to a long-range program for highway construction and maintenance; and providing for an effective date.”**

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

**PURPOSE AND INTENT OF SECTION 4 OF THIS ACT.** (a) The purpose of this Act is to bring these statutes in conformance with federal standards and the contemporary practice of the state with regard to the procedures used for planning of transportation systems.

\* **Sec. 2.** AS 19.05.040 is amended to read:

**Sec. 19.05.040. Powers of department.**

The department may

- (1) acquire property;
- (2) exercise the power of eminent domain;
- (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means;
- (4) acquire rights-of-way for present or future use;
- (5) control access to highways;
- (6) regulate roadside development;
- (7) preserve and maintain the scenic beauty along state highways;
- (8) dispose of property acquired for highway purposes;

(9) accept and dispose of federal funds or property available for highway construction, maintenance, or equipment;

(10) enter into contracts or agreements relating to highways with the federal government, municipalities, a political subdivision, or with a foreign government, if the contract is approved by the federal government;

(11) establish, levy, and collect tolls, fees, charges, and rentals for the use of state roads, highways, bridges, tunnels, crossings, and causeways;

(12) exercise any other power necessary to carry out the purpose of AS 19.05 - AS 19.25; and

(13) award grants necessary or incidental to the performance of the duties and execution of the powers of the [HIGHWAY SAFETY PLANNING AGENCY] department.

\* **Sec. 3.** AS 44.42.020(a) is amended to read:

(a) The department shall

(1) plan, design, construct, and maintain all state modes of transportation and transportation facilities and all docks, floats, breakwaters, buildings, and similar facilities;

(2) study existing transportation modes and facilities in the state to determine how they might be improved or whether they should continue to be maintained;

(3) study alternative means of improving transportation in the state with regard to the economic costs of each alternative and its environmental and social effects;

(4) develop a comprehensive, long-range, intermodal transportation plan for the state;

(5) study alternatives to existing modes of transportation in urban areas and develop plans to improve urban transportation;

(6) cooperate and coordinate with and enter into agreements with federal, state, and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities and all docks, floats, breakwaters, and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

(8) study alternative means of transportation in the state, considering the economic, social, and environmental effects of each alternative;

(9) coordinate and develop state and regional transportation systems, considering deletions, additions, and the absence of alterations;

(10) develop facility program plans for transportation and state buildings, docks, and breakwaters required to implement the duties set out in this section, including but not limited to functional performance criteria and schedules for completion;

(11) supervise and maintain all state automotive and mechanical equipment, aircraft, and vessels, except vessels and aircraft used by the Department of Fish and Game or the Department of Public Safety; for state vehicles maintained by the department, the department shall <sup>NAT</sup> periodically [ANNUALLY] evaluate the cost, efficiency, and commercial availability of alternative fuels [NATURAL GAS] for

automotive purposes, and the purpose for which the vehicles are intended to be used, and convert or purchase vehicles to use alternative fuels [UTILIZE NATURAL GAS] whenever practicable; the department may participate in joint ventures with public or private partners that will foster the availability of alternative fuels [NATURAL GAS] for all automotive fuel consumers;

(12) supervise aeronautics inside the state, under AS 02.10;

(13) [COMPLETE AND MAINTAIN A CURRENT INVENTORY OF PUBLIC FACILITIES, INCLUDING A PROJECTION OF THE SERVICEABILITY OF THE FACILITIES AND PROJECTIONS OF REPLACEMENTS AND ADDITIONS TO FACILITIES NEEDED TO PROVIDE THE LEVEL OF SERVICES PROGRAMMED BY THE VARIOUS USER AGENCIES, FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN 12,000 AND FOR UNINCORPORATED COMMUNITIES, AND PERFORM THOSE DUTIES ON A COOPERATIVE BASIS WITH LARGER MUNICIPALITIES;

(14) ADOPT ENERGY PERFORMANCE STANDARDS FOR PUBLIC FACILITIES OF THE STATE, THE CONSTRUCTION OF WHICH BEGINS AFTER JULY 1, 1980; THE STANDARDS SHALL BE BASED ON THERMAL AND LIGHTING ENERGY STANDARDS ESTABLISHED BY THE AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR CONDITIONING ENGINEERS AS ADAPTED FOR APPLICATION IN HIGH LATITUDE, COLD CLIMATE ENVIRONS;

(15) PROVIDE PLANNING ASSISTANCE, INCLUDING BUT NOT LIMITED TO ENERGY AUDITS AND RELATED TECHNICAL SERVICES, TO SCHOOL DISTRICTS AND REGIONAL EDUCATIONAL ATTENDANCE AREAS TO DEVELOP AND IMPLEMENT

(A) STANDARDS FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF RURAL EDUCATIONAL FACILITIES; AND

(B) ENERGY CONSERVATION MEASURES FOR RURAL EDUCATIONAL FACILITIES;]

(16)] implement the safety and financial responsibility requirements for air carriers under AS 02.40:

(14) [(17)] inspect weights and measures;

(15) study periodically the various funding mechanisms for transportation finance, in view of assuring an adequate level of financial resource to sustain and improve the state's transportation system.

\* Sec. 4. AS 44.42.050(a) is amended to read:

(a) The commissioner shall develop [ANNUALLY] a comprehensive, intermodal, long-range transportation plan for the state. The plan shall be developed in multiple documents that are revised in separate cycles and that address logical components, including geographic areas, modes of transportation, transportation corridors, systems, and other components relevant to statewide transportation planning. In developing and revising the state plan, the commissioner shall conform to the requirements necessary for the eligibility and use of federal funding and funding

from other sources, as applicable. Upon approval of each component of the plan the commissioner shall transmit notice of the plan to the governor and [CONSIDER MEANS AND COSTS OF IMPROVING EXISTING MODES AND FACILITIES, STATE AND FEDERAL SUBSIDIES, AND THE COSTS AND BENEFITS OF NEW TRANSPORTATION MODES AND FACILITIES. THE COMMISSIONER SHALL ALSO CONSIDER THE RECOMMENDATION OF THE ALASKA TRANSPORTATION PLANNING COUNCIL. THE PLAN SHALL BE SUBMITTED TO THE GOVERNOR FOR REVIEW AND APPROVAL AND SUBMITTED BY THE GOVERNOR TO] the legislature.

\* Sec. 5. AS 44.42.050(d) is amended to read:

(d) The commissioner shall develop a list of [PLAN MUST INCLUDE A DESCRIPTION of] projects scheduled [PLANNED] for expenditure [DESIGN AND CONSTRUCTION] for a period of not less than [THE FOLLOWING] two years that is consistent with the plan developed under (a) of this section. The list of projects [DESCRIPTION] is in addition to the long-range plan required by (a) of this section [AND BY AS 19.10.140]. The list of projects [DESCRIPTION] must include an estimate of federal, state, and other funds anticipated to finance the program and a description, location, and itemization of the estimated cost for each project and the total cost of all projects. The commissioner shall propose and forward to the governor for review and approval a [AND INCLUSION, AS APPROVED, IN THE] capital budget [A CONSTRUCTION PROGRAM] that includes the projects to be undertaken during the following year [TWO YEARS], including recommended project priorities. [FUNDS

FOR TRANSPORTATION CONSTRUCTION PROJECTS AND NECESSARY CONTINGENCIES SHALL BE ITEMIZED AS ALLOCATIONS WITHIN THE BILL FOR THE GENERAL APPROPRIATIONS ACT.]

\* **Sec. 6.** AS 46.11.900(8) is amended to read:

(8) "thermal and lighting energy standards" means the thermal and lighting energy standards

(A) established by the American Society of Heating, Refrigeration, and Air Conditioning Engineers as revised

[(i) BY THE COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

(ii)] by the Alaska Housing Finance Corporation buildings and structures that are not public facilities; or

(B) developed in regulations adopted

[(i) BY THE COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

(ii)] by the Alaska Housing Finance Corporation for buildings and structures that are not public facilities.

\* **Sec. 7.** AS 19.10.140; AS 46.11.010 are repealed.

**HB**

**259**

Representative Jim Elkins

Representative Carl Gatto

House Transportation

Sponsor Statement

House Bill 259

"An act relating to covered or enclosed loads."

Auto insurance coverage for automobile owners is often purchased with optional coverage for glass breakage found within the "comprehensive coverage" portion of the policy. This coverage may include a deductible as opted for by the insured. As expected the cost to provide glass coverage by the insurer is reflected in the insurance premium to the extent that companies pay for this damage using money collected from the insured. Glass breakage is most often caused by gravel left on the surface of the roadway by vehicles carrying gravel.

These uncovered loads account for a significant portion of the passenger cars glass breakage. Most states rightly do not allow spillage of any portion of their load onto the roadway. Unfortunately loaders often load gravel above the 6" minimum freeboard needed to maintain the load inside the bed. At highway speeds loose gravel blown from the surface of the load is often deposited on the roadway where again is thrown rearward several times over before finally leaving the paved area. These stones are capable of causing chips, dents and glass breakage, much of which is paid for by the auto owner's insurance premium. Chipped and cracked glass is required to be replaced under 13 ACC 04.225 and so the insurer and the insured are jointly liable for paying for repairs caused by a third party.

HB 259 corrects this inequity by changing the language from "contained or confined" to "covered or enclosed". This change in language follows the original intent of legislation that is to prevent damage to other vehicles and enhance safety. I urge your quick approval.

### 13 AAC 04.225. Windshields and wipers

(a) No person may drive a motor vehicle which is not equipped with a windshield, nor may a person drive a motor vehicle equipped with a defective windshield or windows which obstructs, obscures or impairs the driver's view. This section does not require a windshield as equipment upon a motor-driven cycle, bicycle, or off-highway vehicle.

(b) No person may drive a motor vehicle with a sign, poster or other nontransparent material on the front windshield or window of the vehicle which obstructs, obscures, or impairs the driver's view; nor may a person drive a motor vehicle when there is an accumulation of snow, ice or frost on the windshield or windows which obstructs, obscures or impairs the driver's view.

(c) The windshield on a motor vehicle must be equipped with devices for cleaning rain, snow and other moisture from both sides of the windshield; the device must be constructed to be controlled or operated by the driver of the vehicle, and must be maintained in good working order.

(d) A motor vehicle required to have a windshield, except vehicles which do not have enclosed passenger compartments, must be equipped with a defrosting device to remove snow, ice, frost, or internal moisture from the windshield; this defrosting device must be maintained in good working order.

(e) Repealed 6/28/79.

(f) No person may sell or drive a motor vehicle or truck camper manufactured or assembled after July 1, 1968, unless it is equipped with safety glazing material constructed, treated or combined with other materials to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by glass which is cracked or broken.

(g) A person who drives on a highway a motor vehicle which is not equipped with a windshield in a position to deflect objects which would hit his face must wear an eye-protective device as prescribed for motorcycle operators in sec. 350 of this chapter.

**AMENDMENT**

OFFERED IN THE HOUSE

TO: CSHB 259(TRA)

- 1 Page 1, line 5, following "materials":
- 2       Insert "**other than snow**"

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 259(TRA)

1 Page 1, following line 13:

2 Insert a new bill section to read:

3 **\*\* Sec. 2.** AS 28.35.251 is amended by adding a new subsection to read:

4 (c) Subsection (a) does not apply to communities that are not connected by  
5 continuous state or federal highways to Anchorage or communities of less than 5,000  
6 population unless specifically adopted by local and state traffic control plans."

**LEGAL SERVICES**

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

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

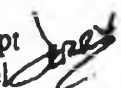
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

**MEMORANDUM**

April 19, 2005

**SUBJECT:** The requirements of AS 28.35.251(a) - "Contained or Confined" and "Covered or Enclosed" (Work Order No. 24-LS0833\Y)

**TO:** Representative Carl Gatto  
Attn: Jenney Yousey

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

You have asked about the current requirements of AS 28.35.251(a) and what the requirements will be as proposed by HB 259. AS 28.35.251(a) provides:

- (a) A person may not drive a motor vehicle loaded with sand, gravel, rock, or similar materials on a highway unless
- (1) the load is contained or confined to prevent the load from dropping, shifting, leaking, or escaping, except that sand or other substances may be dropped, sprinkled, or sprayed for the purpose of cleaning or maintaining the highway or providing traction; and
  - (2) the load is subjected to treatment by methods, approved by the commissioner of public safety by regulation, designed to settle the load or remove loose material before the vehicle is driven on the highway.

Basically, this statute requires persons driving vehicles transporting sand, gravel, and similar materials to "contain or confine" the load "to prevent the load from dropping, shifting, leaking, or escaping."<sup>1</sup> The legislature did not provide a special definition for the terms "contain or confine" so we can look to the dictionary meanings of the terms. "Contain" means

to have in it; hold, enclose, or include; to have the capacity for holding; to hold back or within fixed limits.<sup>2</sup>

<sup>1</sup> The driver must also subject the load to treatment methods designed to settle the load or remove loose material.

<sup>2</sup> *Webster's New World Dictionary, 2nd College Edition*. I included meanings that are appropriate for this context.

Representative Carl Gatto

April 19, 2005

Page 2

"Confine" means

a boundary or bounded region; border; limit; confinement; a place of confinement; to keep within limits; restrict.<sup>3</sup>

Applying these meanings, AS 28.35.251(a) requires a person driving a vehicle loaded with rocks, sand, and similar materials to enclose and restrict the load so that it remains within the confines of the vehicle and is not allowed to "drop, sprinkle, leak, or escape." With loose materials it would seem that a tarp or some other item is required to hold back the materials and to keep the materials within the vehicle and to satisfy the requirements of the statute. There is no limit to the application of AS 28.35.251(a) - it applies to all vehicles loaded with these materials.<sup>4</sup>

HB 259 as introduced deleted the terms "contained or confined" in AS 28.35.251(a) and substituted the terms "covered" or enclosed."<sup>6</sup> This change in terms does not, in my opinion, appreciably change the requirements of AS 28.35.251(a). Indeed one of the meanings of one of the new terms "enclose" is "to contain" which is one of words being replaced. Under HB 259 the driver of a vehicle must still contain the sand, gravel, or similar materials within the vehicle by covering or enclosing it in such a way that the material stays within the vehicle. CSHB 259(TRA) restricts the application of AS 28.35.251(a) to drivers of vehicles meeting certain weight requirements.

GPL:lmb  
05-130.lmb

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<sup>3</sup> *Id.*

<sup>4</sup> An exception is provided for sand or other materials that are "dropped, sprinkled, or sprayed for the purpose of cleaning or maintaining the highway or providing traction."

<sup>5</sup> "Cover" means "to place something on, over, or in front of, so as to conceal, protect, or close; to conceal by hiding or screening; to keep from harm or injury by shielding; protect by screening."

<sup>6</sup> "Enclosed" means "to shut in all around; hem in; fence in; surround; to contain."

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 259 24-LS0833IG  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title "An act related to covered or enclosed loads" RDU Division of Motor Vehicles  
 Component Motor Vehicles  
 Sponsor (H) Transportation Committee  
 Requester (H) Transportation Committee Component No. 2348

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill is not expected to impact the Division of Motor Vehicles.

Prepared by: Duane Bannock, Director Phone 269 5008  
 Division Motor Vehicles Date/Time 4/8/05 9:44 AM  
 Approved by: Michael Tibbles, Deputy Commissioner Date 4/8/2005  
 Agency Department of Administration

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB259-DOT-CO-4-11-05  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Truck Load Requirements RDU Administration & Support  
 Component Commissioner's Office  
 Sponsor House Transportation  
 Requester House Transportation Component No. 530

**Expenditures/Revenues** (Thousands of Dollars)

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

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

<b>CAPITAL EXPENDITURES</b>	<b>818.8</b>					
-----------------------------	--------------	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	818.8					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>818.8</b>	*	*	*	*	*

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Because the language in HB 259 does not include vehicle or load size specifications, an effective date or phase-in language, DOT accounted for all such vehicles that would carry sand, gravel, rock or similar materials on a highway and calculated what it would cost to cover each vehicle. Please see the attached document for breakdowns. This would require a one-time purchase and installation of covers on all trucks used to haul loose materials. Thus it is identified as a capital budget impact for FY06. In later years as trucks are replaced, similar purchases will be required but would impact the operating budget at an unknown amount.

Prepared by: Nona Wilson Phone 465-3904  
 Division Legislative Liaison, DOT&PF Date/Time 4/11/05 5:14 PM  
 Approved by: Mike Barton Date 4/11/2005  
 Agency Commissioner, DOT&PF

**Additional Information for HB 259 Fiscal Note**  
**Prepared by Nona Wilson, Legislative Liaison DOT&PF**  
**House Transportation Committee Hearing (4/12/05)**

Because the current bill draft for HB 259 does not indicate an effective date, phase-in process or vehicle and load size specifications, the Department of Transportation accounted for all vehicles currently owned by the department that carry sand, gravel, rock and similar materials and calculated the outright cost to purchase and install covers on all said vehicles.

**8 Yard Dump Trucks**

Number operated by DOT	228
Cost and installation of one fully-automatic cover	\$2,300.00
Cost and installation for all dump trucks	<b>\$525,000.00</b>

**1 Ton Pick-Up Trucks**

Number operated by DOT	157
Cost and installation of one hard cover	\$400.00
Cost and installation for all 1 ton trucks	<b>\$63,000.00</b>

**¾ Ton Pick-Up Trucks**

Numbered operated by DOT	577
Cost and installation of one hard cover	\$400.00
Cost and installation for all ¾ ton trucks	<b>\$230,800.00</b>

**Total to purchase and install covers for DOT operated vehicles:**

**\$818,800.00**

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: H3259-DPS-ASTD-4-11-05  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title "An Act relating to covered or enclosed loads" RDU Alaska State Troopers  
 Component AST Detachments  
 Sponsor House Transportation Committee  
 Requester House Transportation Committee Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation will not have a fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223  
 Division: Alaska State Troopers Date/Time 4/11/05 10:26 AM  
 Approved by: Commissioner William Tandeske Date 4/11/2005  
 Agency: Department of Public Safety

**RCW 46.61.655****Dropping load, other materials -- Covering.**

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

[1990 c 250 § 56; 1986 c 89 § 1; 1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

**NOTES:**

**Rules of court:** Monetary penalty schedule -- IRLJ 6.2.

**Severability -- 1990 c 250:** See note following RCW 46.16.301.

**Severability -- 1971 ex.s. c 307:** See RCW 70.93.900.

Littering: Chapter 70.93 RCW.

Transporting waste to landfills: RCW 70.93.097.

HOUSE BILL 1478

State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Kagi, O'Brien, Simpson, Morrell, Lovick, Kenney,  
P. Sullivan, Nixon and Chase

Read first time 01/25/2005.      Referred to Committee on Criminal  
Justice & Corrections.

1            AN ACT Relating to securing vehicle loads on public highways;  
2      amending RCW 46.61.655 and 46.63.020; and prescribing penalties.

3      BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 46.61.655 and 1990 c 250 s 56 are each amended to read  
5      as follows:

6            (1) No vehicle shall be driven or moved on any public highway  
7      unless such vehicle is so constructed or loaded as to prevent any of  
8      its load from dropping, sifting, leaking, or otherwise escaping  
9      therefrom, except that sand may be dropped for the purpose of securing  
10     traction. ((Any person operating a vehicle from which any glass or  
11     objects have fallen or escaped, which would constitute an obstruction  
12     or injure a vehicle or otherwise endanger travel upon such public  
13     highway shall immediately cause the public highway to be cleaned of all  
14     such glass or objects and shall pay any costs therefor.))

15           (2) No person may operate on any public highway any vehicle with  
16     any load unless the load and such covering as required thereon by  
17     subsection (3) of this section is securely fastened to prevent the  
18     covering or load from becoming loose, detached, or in any manner a  
19     hazard to other users of the highway.

1       (3) Any vehicle operating on a paved public highway with a load of  
2 dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or  
3 otherwise escaping therefrom shall be covered so as to prevent  
4 spillage. Covering of such loads is not required if six inches of  
5 freeboard is maintained within the bed.

6       (4)(a) Any person operating a vehicle from which any glass or  
7 objects have fallen or escaped, which would constitute an obstruction  
8 or injure a vehicle or otherwise endanger travel upon such public  
9 highway shall immediately cause the public highway to be cleaned of all  
10 such glass or objects and shall pay any costs therefor.

11       (b) Any vehicle with deposits of mud, rocks, or other debris on the  
12 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall  
13 be cleaned of such material before the operation of the vehicle on a  
14 paved public highway.

15       (5) The state patrol may make necessary rules to carry into effect  
16 the provisions of this section, applying such provisions to specific  
17 conditions and loads and prescribing means, methods, and practices to  
18 effectuate such provisions.

19       (6) Nothing in this section may be construed to prohibit a public  
20 maintenance vehicle from dropping sand on a highway to enhance  
21 traction, or sprinkling water or other substances to clean or maintain  
22 a highway.

23       (7)(a)(i) A person is guilty of failure to secure a load in the  
24 first degree if he or she negligently fails to secure a load or part of  
25 a load to his or her vehicle in compliance with subsection (1), (2), or  
26 (3) of this section and causes bodily injury to another.

27       (ii) Failure to secure a load in the first degree is a gross  
28 misdemeanor.

29       (b)(i) A person is guilty of failure to secure a load in the second  
30 degree if he or she negligently fails to secure a load or part of a  
31 load to his or her vehicle in compliance with subsection (1), (2), or  
32 (3) of this section and causes damage to property of another.

33       (ii) Failure to secure a load in the second degree is a  
34 misdemeanor.

35       (c) A person who fails to secure a load or part of a load to his or  
36 her vehicle in compliance with subsection (1), (2), or (3) of this  
37 section is guilty of an infraction if such failure does not amount to  
38 a violation of (a) or (b) of this subsection.

1       **Sec. 2.** RCW 46.63.020 and 2004 c 95 s 14 are each amended to read  
2 as follows:

3       Failure to perform any act required or the performance of any act  
4 prohibited by this title or an equivalent administrative regulation or  
5 local law, ordinance, regulation, or resolution relating to traffic  
6 including parking, standing, stopping, and pedestrian offenses, is  
7 designated as a traffic infraction and may not be classified as a  
8 criminal offense, except for an offense contained in the following  
9 provisions of this title or a violation of an equivalent administrative  
10 regulation or local law, ordinance, regulation, or resolution:

11       (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
12 vehicle while under the influence of intoxicating liquor or a  
13 controlled substance;

14       (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

15       (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
16 while under the influence of intoxicating liquor or narcotics or habit-  
17 forming drugs or in a manner endangering the person of another;

18       (4) RCW 46.10.130 relating to the operation of snowmobiles;

19       (5) Chapter 46.12 RCW relating to certificates of ownership and  
20 registration and markings indicating that a vehicle has been destroyed  
21 or declared a total loss;

22       (6) RCW 46.16.010 relating to initial registration of motor  
23 vehicles;

24       (7) RCW 46.16.011 relating to permitting unauthorized persons to  
25 drive;

26       (8) RCW 46.16.160 relating to vehicle trip permits;

27       (9) RCW 46.16.381(2) relating to knowingly providing false  
28 information in conjunction with an application for a special placard or  
29 license plate for disabled persons' parking;

30       (10) RCW 46.20.005 relating to driving without a valid driver's  
31 license;

32       (11) RCW 46.20.091 relating to false statements regarding a  
33 driver's license or instruction permit;

34       (12) RCW 46.20.0921 relating to the unlawful possession and use of  
35 a driver's license;

36       (13) RCW 46.20.342 relating to driving with a suspended or revoked  
37 license or status;

1 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
2 with a suspended or revoked license;  
3 (15) RCW 46.20.410 relating to the violation of restrictions of an  
4 occupational or temporary restricted driver's license;  
5 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
6 an ignition interlock device in violation of a license notation that  
7 the device is required;  
8 (17) RCW 46.20.750 relating to assisting another person to start a  
9 vehicle equipped with an ignition interlock device;  
10 (18) RCW 46.25.170 relating to commercial driver's licenses;  
11 (19) Chapter 46.29 RCW relating to financial responsibility;  
12 (20) RCW 46.30.040 relating to providing false evidence of  
13 financial responsibility;  
14 (21) RCW 46.37.435 relating to wrongful installation of  
15 sunscreening material;  
16 (22) RCW 46.37.650 relating to the sale, resale, distribution, or  
17 installation of a previously deployed air bag;  
18 (23) RCW 46.44.180 relating to operation of mobile home pilot  
19 vehicles;  
20 (24) RCW 46.48.175 relating to the transportation of dangerous  
21 articles;  
22 (25) RCW 46.52.010 relating to duty on striking an unattended car  
23 or other property;  
24 (26) RCW 46.52.020 relating to duty in case of injury to or death  
25 of a person or damage to an attended vehicle;  
26 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,  
27 and appraisers;  
28 (28) RCW 46.52.130 relating to confidentiality of the driving  
29 record to be furnished to an insurance company, an employer, and an  
30 alcohol/drug assessment or treatment agency;  
31 (29) RCW 46.55.020 relating to engaging in the activities of a  
32 registered tow truck operator without a registration certificate;  
33 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
34 operators;  
35 (31) RCW 46.61.015 relating to obedience to police officers,  
36 flaggers, or fire fighters;  
37 (32) RCW 46.61.020 relating to refusal to give information to or  
38 cooperate with an officer;

1 (33) RCW 46.61.022 relating to failure to stop and give  
2 identification to an officer;  
3 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
4 vehicles;  
5 (35) RCW 46.61.500 relating to reckless driving;  
6 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
7 influence of intoxicating liquor or drugs;  
8 (37) RCW 46.61.503 relating to a person under age twenty-one  
9 driving a motor vehicle after consuming alcohol;  
10 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
11 (39) RCW 46.61.522 relating to vehicular assault;  
12 (40) RCW 46.61.5249 relating to first degree negligent driving;  
13 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
14 workers;  
15 (42) RCW 46.61.530 relating to racing of vehicles on highways;  
16 (43) RCW 46.61.655(7) (a) and (b) relating to failure to secure a  
17 load;  
18 (44) RCW 46.61.685 relating to leaving children in an unattended  
19 vehicle with the motor running;  
20 ~~((44))~~ (45) RCW 46.61.740 relating to theft of motor vehicle  
21 fuel.  
22 ~~((45))~~ (46) RCW 46.64.010 relating to unlawful cancellation of or  
23 attempt to cancel a traffic citation;  
24 ~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding,  
25 abetting, coercing, and committing crimes;  
26 ~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic  
27 offenders;  
28 ~~((48))~~ (49) RCW 46.68.010 relating to false statements made to  
29 obtain a refund;  
30 ~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle  
31 business practices, except where that chapter provides for the  
32 assessment of monetary penalties of a civil nature;  
33 ~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of  
34 passengers in for hire vehicles;  
35 ~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier  
36 insurance;  
37 ~~((52))~~ (53) RCW 46.72A.070 relating to operation of a limousine  
38 without a vehicle certificate;

1        ~~((+53+))~~ (54) RCW 46.72A.080 relating to false advertising by a  
2        limousine carrier;  
3        ~~((+54+))~~ (55) Chapter 46.80 RCW relating to motor vehicle wreckers;  
4        ~~((+55+))~~ (56) Chapter 46.82 RCW relating to driver's training  
5        schools;  
6        ~~((+56+))~~ (57) RCW 46.87.260 relating to alteration or forgery of a  
7        cab card, letter of authority, or other temporary authority issued  
8        under chapter 46.87 RCW;  
9        ~~((+57+))~~ (58) RCW 46.87.290 relating to operation of an  
10        unregistered or unlicensed vehicle under chapter 46.87 RCW.

--- END ---

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: covered loads; commercial vehicles

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

## **HB 2178**

Introduced by  
Representative O'Halleran

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 18, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1098.01; RELATING TO VEHICLE SIZE, WEIGHT AND LOAD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 3, article 18, Arizona Revised Statutes,  
3 is amended by adding section 28-1098.01, to read:

4 28-1098.01. Commercial vehicles; loads; covering requirements;  
5 exemption; civil penalty

6 A. A PERSON SHALL NOT OPERATE OR MOVE A VEHICLE THAT IS SUBJECT TO  
7 CHAPTER 15, ARTICLE 2 OF THIS TITLE AND THAT HAS A DECLARED GROSS WEIGHT, AS  
8 DEFINED IN SECTION 28-5431, OF MORE THAN TEN THOUSAND POUNDS UNLESS THE  
9 VEHICLE LOAD IS COVERED TO PREVENT THE LOAD FROM DROPPING, SIFTING, LEAKING  
10 OR OTHERWISE ESCAPING FROM THE VEHICLE.

11 B. THIS SECTION APPLIES TO COMMERCIAL VEHICLES CARRYING SAND, GRAVEL,  
12 ROCK, DEBRIS OR ANY OTHER TYPE OF LOOSE OR UNPACKAGED MATERIAL, EXCEPT THAT  
13 EITHER:

14 1. SAND MAY BE DROPPED FOR THE PURPOSE OF SECURING TRACTION.

15 2. WATER OR ANOTHER SUBSTANCE MAY BE SPRINKLED ON A ROADWAY IN  
16 CLEANING OR MAINTAINING THE ROADWAY.

17 C. THE PERSON OPERATING OR MOVING THE VEHICLE DESCRIBED IN SUBSECTION  
18 A OF THIS SECTION SHALL ENSURE THAT THE VEHICLE IS FREE OF ANY LOOSE MATERIAL  
19 THAT IS NOT COVERED OR CONTAINED IN THE CARGO AREA OF THE VEHICLE.

20 D. THIS SECTION DOES NOT APPLY TO VEHICLES CARRYING AGRICULTURAL OR  
21 FORAGE PRODUCTS.

22 E. IF A PERSON IS FOUND IN VIOLATION OF THIS SECTION AND THE  
23 VIOLATION:

24 1. DOES NOT CAUSE ANY DAMAGE OR PHYSICAL INJURY, THE PERSON IS SUBJECT  
25 TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS.

26 2. RESULTS IN AN ACCIDENT CAUSING SERIOUS PHYSICAL INJURY AS DEFINED  
27 IN SECTION 13-105 TO ANOTHER PERSON, THE PERSON IS SUBJECT TO A CIVIL PENALTY  
28 OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS.

29 3. RESULTS IN AN ACCIDENT CAUSING THE DEATH OF ANOTHER PERSON, THE  
30 PERSON IS SUBJECT TO A CIVIL PENALTY OF UP TO TWO THOUSAND FIVE HUNDRED  
31 DOLLARS.

32 F. COMPLIANCE WITH THIS SECTION DOES NOT RELIEVE A PERSON FROM  
33 COMPLIANCE WITH SECTION 28-1098. A PERSON MAY BE CITED FOR A VIOLATION OF  
34 THIS SECTION AND SECTION 28-1098.



*The State of Colorado Homepage*



## Office of the Governor - Press Office

FOR RELEASE  
Monday, April 12, 2004

CONTACT:  
Dan Hopkins - 303-866-6324  
Kristen Hubbell - 303-866-6323  
Stacey Stegman (CDOT) - 303-757-9362

### OWENS SIGNS LEGISLATION PROHIBITING UNCOVERED LOADS ON HIGHWAYS

Trash clean-up costs millions annually

(DENVER) - Gov. Bill Owens today signed Senate Bill 110, which prohibits trucks from transporting trash or recyclables unless the load is covered.

"No one likes to see trash along our highways. The debris is unsightly and ultimately taxpayers wind up footing the bill for the clean up. Most trash haulers are responsible and make sure their loads are covered but there are still those who thoughtlessly allow debris to fly out of their trucks. This law makes it clear that uncovered loads are illegal," Owens said.

The legislation specifies that a vehicle shall not carry trash or recyclables unless the load is covered by a tarp or some other device that keeps it from blowing, dropping or leaking onto the highway.

"Cleaning up debris is costly," said CDOT executive director Tom Norton. "Each year, the Department of Transportation spends over \$5 million to pick up trash from the highways. The cost would be even greater if we did not have the help of thousands of Adopt-a-Highway volunteers."

SB 110 was sponsored by Sen. Bruce Cairns (R-Aurora) and Rep. Jerry Frangas (D-Denver).

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[governorowens@state.co.us](mailto:governorowens@state.co.us)

*last modified April 12, 2004*

**Press Releases - Landfill Covered Loads**

Issued April 14, 2004

**Landfill Covered Loads**

The City of Kearney, as the operator of the Kearney Area Solid Waste Agency Landfill, is reminding residents that all vehicles transporting materials to the Landfill must take precautions to ensure that debris will not leave a vehicle and be dropped along the roads leading to the Landfill. Landfill rates adopted by the Solid Waste Agency allow the Landfill staff to charge extra fees for loads that are not properly covered. During March eight vehicles were charged the additional fee for an uncovered load. Below are some general rules to follow:

<b>Waste Type</b>	<b>Method to Secure</b>
Yard Waste	Completely covered, tarped, or netted
Trees/Branches	Roped, strapped, tarped, or netted
Construction Waste	Completely covered
Concrete/Asphalt	Not required if the load does not exceed the box height
Pallets/Furniture	Roped, strapped, tarped, or netted

Additionally, due to complaints received from residents along the routes to the Landfill the Buffalo County Sheriff and the Nebraska State Patrol have been asked to enforce littering laws in those areas. As well as littering on routes leading to the Landfill the Kearney Police Department has been asked to be watchful for vehicles hauling waste in the city limits that violate Section 5-218 of the Kearney City Code requiring all vehicles hauling waste to be covered with a cover firmly attached at the sides of the vehicle.

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

## No. 880 Session of 2003

INTRODUCED BY SAYLOR, GEIST, McCALL, BARD, WATSON, DERMODY,  
MELIO, BELARDI, CRUZ, DeWEESE, FRANKEL, GILLESPIE, HARHAI,  
HORSEY, MANN, METCALFE, N'ILOR, SOLOBAY, E. Z. TAYLOR AND  
YOUNGBLOOD, MARCH 13, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 13, 2003  
AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for securing loads in vehicles;  
3 and providing requirements for transporting loose material.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 4903 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4903. Securing loads in vehicles.

9 (a) General rule.--No vehicle shall be driven or moved on  
10 any highway unless the vehicle is so constructed or loaded as to  
11 prevent any of its load from dropping, sifting, leaking or  
12 otherwise escaping.

13 (b) Fastening load.--Every load on a vehicle shall be  
14 fastened so as to prevent the load or covering from becoming  
15 loose, detached or in any manner a hazard to other users of the  
16 highway.

17 (c) Load of logs.--

1 (1) Every load of logs on a vehicle shall be securely  
2 fastened with binders, chains or straps and, in the case of  
3 an open-body or stake-body vehicle, trailer or semitrailer  
4 there shall be a sufficient number of vertical metal stakes  
5 or posts securely attached on each side of the vehicle,  
6 trailer or semitrailer at least as high as the top of the  
7 load to secure such load in the event of a failure of the  
8 binders, chains or straps.

9 (2) A load of logs which are greater than six feet in  
10 length must be secured by three binders for each stack of  
11 logs, except that, if the stacks are tiered so that one stack  
12 rests upon the bottom stack or stacks, a total of three  
13 binders is necessary for that tiered combination.

14 (3) A load of logs which are six feet or less in length  
15 must be secured by two binders for each stack of logs, except  
16 that, if the stacks are tiered so that one stack rests upon  
17 the bottom stack or stacks, a total of three binders is  
18 necessary for that tiered combination.

19 (4) A tiered combination which includes logs which are  
20 greater than six feet and logs which are six feet or less  
21 shall be governed by paragraph (2).

22 (c.1) Load of loose garbage.--Every load of loose, nonbaled  
23 garbage, waste, refuse or rubbish being transported through or  
24 within this Commonwealth shall be transported in a vehicle with

25 four solid sides and with a cover or top of a type to prevent  
 26 any of the load from escaping. The cover or top shall remain  
 27 tightly in place going to a disposal site. The load shall be no  
 28 higher than the solid sides of the vehicle. It is imperative  
 29 that all garbage, waste, refuse or rubbish be removed from the  
 30 vehicle at the disposal site to prevent any scattering of litter

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- 2 -

1 on the highway during the return trip. No truck, trailer or  
 2 semitrailer with an open body or stake body shall be used for  
 3 such purposes. This subsection shall not apply to vehicles  
 4 engaged in the systematic collection of garbage or refuse and  
 5 which are designed to be open in the rear for the loading of  
 6 garbage or refuse.

7 (c.2) Load of baled garbage.--Garbage, waste, refuse or  
 8 rubbish in a tightly compacted and baled form being transported  
 9 through or within this Commonwealth shall be securely fastened  
 10 to the vehicle and covered over all exposed areas with a canvas  
 11 cover or cover of a comparable type which shall be securely  
 12 attached to the underside of all sides of the truck, trailer or  
 13 semitrailer to prevent any of the material from the bales from  
 14 escaping. No part of any bale shall be uncovered, except for  
 15 inspection, at any time during transportation within or through  
 16 this Commonwealth until arrival at the disposal site.

17 (c.3) Removal of debris.--The owner of a vehicle from which  
 18 dirt, debris or an agricultural product has fallen on any  
 19 highway is responsible for removing that dirt, debris or  
 20 agricultural product within a reasonable time.

21 (d) Establishment of standards for fastening devices.--The  
 22 department may promulgate regulations establishing minimum  
 23 standards governing types and numbers of devices to be used in  
 24 securing loads to prevent spillage and leakage of a load while  
 25 in transit.

26 (e) Exceptions.--This section does not prohibit:

27 (1) [the necessary spreading of any substance in highway  
 28 maintenance or construction operations] dropping sand,  
 29 abrasives, chemicals or other materials to improve traction;

30 (1.1) spreading water or other substance to construct,

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- 3 -

1 clean or maintain a highway; or

2 (2) [the] shedding or dropping [of] feathers or other  
 3 matter from vehicles hauling live or slaughtered birds or  
 4 animals.

5 (f) Penalty for violation of subsection (a), (b) or (c).--A  
 6 person who owns or who operates a vehicle in violation of  
 7 subsection (a), (b) or (c) and, as a result of the violation,  
 8 any item, piece, fragment or part of the load escapes and causes  
 9 injury to a person or damage to another vehicle or other  
 10 property commits a summary offense and shall, upon conviction,  
 11 be sentenced to pay a fine of not less than [\$300] \$500 nor more  
 12 than [\$1,000] \$3,000. A violation of subsection (a), (b) or (c)  
 13 which does not result in injury to a person or damage to another  
 14 vehicle or other property constitutes a summary offense,  
 15 punishable by a fine of not less than \$100 nor more than \$300.

16 (g) Penalty for violation of subsection (c.1) or (c.2).--A  
 17 person who owns or who operates a vehicle in violation of  
 18 subsection (c.1) or (c.2) commits a summary offense and shall,  
 19 upon conviction, be sentenced to pay a fine of not less than  
 20 [\$300] \$500 nor more than [\$1,000] \$3,000. Notwithstanding the  
 21 provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth  
 22 portion of fines, etc.) and 3573 (relating to municipal  
 23 corporation portion of fines, etc.), disposition of any fine  
 24 collected for a violation of subsection (c.1) or (c.2) shall be  
 25 as follows:

26 (1) Unless paragraph (2) applies, the fine collected  
 27 shall be paid to the Commonwealth for deposit into the Motor  
 28 License Fund.

29 (2) If the county where the offense was committed has a  
 30 litter control program approved by the department, 50% of the

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- 4 -

1 fine collected shall be paid to the county for expenditure in  
2 the approved litter control program; and 50% of the fine  
3 collected shall be paid to the Commonwealth for deposit into  
4 the Motor License Fund.

5 Section 2. Title 75 is amended by adding a section to read:  
6 § 4903.1. Loose material.

7 (a) Carrying loose material.--A person may not, in violation  
8 of this section, carry any loose material in any vehicle on or  
9 across any highway in this Commonwealth.

10 (b) Loading loose material.--A person may not, in violation  
11 of this section, load any loose material for carrying in any  
12 vehicle on or across any highway in this Commonwealth.

13 (c) Enclosures generally.--

14 (1) Subject to the provisions of subsection (d), the bed  
15 of the vehicle carrying a load of loose material shall be  
16 fully enclosed:

17 (i) On both sides, by sideboards or sidepanels.

18 (ii) On the front, by a board or panel or by the cab  
19 of the vehicle.

20 (iii) On the rear, by a tailgate, board or panel.

21 (2) (i) The enclosures required by paragraph (1) shall  
22 be constructed so as to prevent any part of the load from  
23 blowing, falling or spilling out of the vehicle.

24 (ii) No part of the load touching any of these  
25 enclosures may be within six inches of the top of the  
26 part of the enclosure that it touches, unless the load is  
27 covered with a firmly secured canvas or similar type  
28 covering.

29 (iii) If the vehicle manufacturer's original design  
30 specifications for bed enclosures have been altered to

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1 increase the vehicle's load capacity, no part of the load  
2 touching any of these enclosures may be within six inches  
3 of the top of the part of the enclosure that it touches  
4 and the highest point of the load may not be higher than  
5 any of these enclosures, unless the load is covered with  
6 a canvas or other type cover approved by the department  
7 that is secured as provided in paragraph (3).

8 (3) This subsection does not apply to:

9 (i) any load-carrying vehicle with a compartment  
10 that fully encloses the load; or

11 (ii) a vehicle in which the load is suitably covered  
12 or secured by other means that prevent the escape of the  
13 loose material.

14 (d) Canvas enclosures.--

15 (1) A vehicle carrying a load of loose material shall  
16 have its bed fully enclosed on the top by a canvas or other  
17 type cover approved by the department.

18 (2) Any cover required under this section shall be  
19 secured in a manner to prevent.

20 (i) Any part of the load from blowing, falling or  
21 spilling out of the vehicle.

22 (ii) The cover from blowing off the vehicle.

23 (e) Removal of spillage; securing tailgate; maintenance of  
24 bed.--

25 (1) This subsection does not apply to any construction  
26 vehicle or mining equipment that:

27 (i) is moving between construction barricades on a  
28 public works project; or

29 (ii) on y is crossing a highway.

30 (2) A vehicle used for carrying loose material may not

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1 be operated on any highway unless:

2 (i) All spillage from loading loose material is  
3 removed from the nonload-carrying parts of the vehicle.

4 (ii) whether the vehicle is loaded or empty, the  
5 tailgate is closed securely to prevent spillage of a load  
6 or of any residue.

7 (iii) The bed does not have any holes, cracks or

8 openings through which loose material can escape.  
9 (iv) After unloading loose material, all residue is  
10 removed from the nonload-carrying parts of the vehicle.  
11 (f) Definition.--As used in this section, the term "loose  
12 material" includes:  
13 (1) Dirt, sand, gravel, wood chips or other material  
14 that can blow, fall or spill from a vehicle as a result of  
15 movement or of exposure to air, wind or weather.  
16 (2) Any other kind of material that can blow, fall or  
17 spill as specified in rules and regulations adopted by the  
18 department. The term does not include agricultural products,  
19 including sod, in their natural state.  
20 Section 3. This act shall take effect in 60 days.

A15L75MEP/20030H0880B1036

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HR 2153 IH

104th CONGRESS

1st Session

H. R. 2153

To amend title 49, United States Code, to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

**IN THE HOUSE OF REPRESENTATIVES****August 1, 1995**

Mr. LIPINSKI introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

**A BILL**

To amend title 49, United States Code, to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Commercial Motor Vehicle Safety Act of 1995'.

**SEC. 2. FINDINGS.**

Congress finds that--

(1) it is in the public interest to prohibit the operation of certain uncovered commercial motor vehicles and thereby reduce highway fatalities, injuries, and property damage otherwise associated with such operation; and

(2) State governments can assist the Federal Government in assuring the safe operation of commercial motor vehicles by enacting laws prohibiting the operation of certain uncovered commercial motor vehicles.

**SEC. 3. COVERED LOAD REQUIREMENT.**

(a) IN GENERAL- Subchapter III of chapter 311 of title 49, United States Code, is amended by adding at the end thereof the following:

**'Sec. 31148. Covered load requirement**

'(a) GENERAL RULE- Not later than 120 days after the date of the enactment of this section, the Secretary of Transportation shall initiate a rulemaking proceeding for the purpose of issuing regulations prohibiting any person

from operating, or causing to be operated, on any street or highway, any commercial motor vehicle with an open load of dirt, aggregate, garbage, tailings, wood chips, refuse, or other similar loose material, unless the load is secured or enclosed with a tarpaulin or other covering sufficient to prevent any portion of the material from rolling off, falling from, blowing off, dropping from, or otherwise escaping from the vehicle. The Secretary shall issue such regulations not later than 1 year after such date of enactment.

“(b) STATE LAW COMPATIBILITY- If at any time in a fiscal year beginning after September 30, 1997, a State does not have in effect a law compatible with the regulations issued by the Secretary under subsection (a), the Secretary, notwithstanding any other provision of law, shall transfer an amount equal to 1 1/2 percent of the funds apportioned to the State under each of subsections (b)(1), (b)(2), and (b)(3) of title 23, United States Code, to the apportionment of the State under section 402 of title 23, United States Code. The Federal share of the cost of any project carried out with funds transferred under this section shall be 100 percent.

“(c) TRANSFER OF OBLIGATION AUTHORITY- If the Secretary transfers under this section any funds to the State for a fiscal year for highway safety programs under section 402 of title 23, United States Code, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety programs for carrying out only projects under such section 402 which is determined by multiplying--

“(1) the amount of the funds transferred to the apportionment of such section 402 of the State under this section for such fiscal year; by

“(2) the ratio of the amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

“(d) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS- Notwithstanding any other provision of law, no limitation on the total obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall apply to funds transferred under this section to the apportionment of the State under such section 402.”

(b) CONFORMING AMENDMENT- The analysis for chapter 311 of such title is amended by inserting after the item relating to section 31147 the following:

“31148. Covered load requirement.”

## SEC. 4. DEFINITIONS.

Section 31132 of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(11) ‘aggregate’ means any ore, mineral, sand, gravel, shale, coal, clay, limestone, crushed stone, or other ore or mineral which is mined.”

END

# LEGAL SERVICES

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

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


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 21, 2005

**SUBJECT:** Section 2 of CSHB 259(TRA) (Work Order No. 24-LS0833\S)

**TO:** Representative Carl Gatto  
Attn: Jenney Yousey

**FROM:** Gerald P. Luckhaupt   
Legislative Counsel

Enclosed is the final CS(TRA) you requested. I have one comment. Section 2 of the bill provides that AS 28.35.251(a) is not effective in certain communities "unless specifically adopted by local and state traffic control plans."<sup>1</sup> This provision is an unconstitutional delegation of law making power by the legislature. This provision is unlike local option laws in the alcohol arena as it does not provide for a vote of the people of the affected area.<sup>2</sup> In addition by including state traffic control plans,<sup>3</sup> apparently employees of the Department of Transportation and Public Facilities will be able to veto application of this law.

GPL:med  
05-283.med

Enclosure

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<sup>1</sup> It is not clear if this clause applies to communities not connected by road to Anchorage or just to communities of less than 5,000 people.

<sup>2</sup> See, e.g., *Shettlers v. State*, 832 P.2d 181 (Alaska App. 1991).

<sup>3</sup> Traffic control plans are not identified or defined in the bill.

24-LS0833VL  
Luckhaupt  
4/20/05

**CS FOR HOUSE BILL NO. 259( )**

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

**BY**

**Offered:**

**Referred:**

**Sponsor(s): HOUSE TRANSPORTATION COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to covered or enclosed loads."**

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

3 **\* Section 1.** AS 28.35.251(a) is amended to read:

4 (a) A person may not drive a motor vehicle

5 (1) loaded with sand, gravel, rock, or similar materials on a highway

6 unless

7 (A) [(1)] the load is contained or confined to prevent the load  
8 from dropping, shifting, leaking, or escaping, except that sand or other  
9 substances may be dropped, sprinkled, or sprayed for the purpose of cleaning  
10 or maintaining the highway or providing traction; and

11 (B) [(2)] the load is subjected to treatment by methods,  
12 approved by the commissioner of public safety by regulation, designed to settle  
13 the load or remove loose material before the vehicle is driven on the highway;

14 or

15 (2) with a gross vehicle weight greater than 9,200 pounds loaded

1 with sand, gravel, rock, or similar materials, other than snow, on a highway on  
2 the road system unless

3 (A) the load is covered or enclosed to prevent the load from  
4 dropping, shifting, leaking, or escaping, except that sand or other  
5 substances may be dropped, sprinkled, or sprayed for the purpose of  
6 cleaning or maintaining the highway or providing traction; and

7 (B) the load is subjected to treatment by methods, approved  
8 by the commissioner of public safety by regulation, designed to settle the  
9 load or remove loose material before the vehicle is driven on the highway.

10 \* Sec. 2. AS 28.35.251 is amended by adding a new subsection to read:

11 (c) In (a) of this section, "on the road system" means a community connected  
12 by road to Anchorage or a community with a population greater than 5,000 not  
13 connected by road to Anchorage.

**HB**

**266**

# ALASKA STATE LEGISLATURE

## INTERIM

50 Front Street  
Suite 203  
Ketchikan, Alaska 99901  
Phone (907) 247-4672  
Fax: (907) 225-8546



## SESSION

Suite 416  
State Capitol Building  
Juneau, Alaska 99801  
Phone: (907) 465-3424  
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## REPRESENTATIVE JIM ELKINS

House Bill 266 "An Act relating to offenses and penalties for violation of vehicle weight limitations; prohibiting the use of a violation of a vehicle weight limitation for certain personal automobile insurance actions" modifies existing law related to the penalty structure for overweight vehicle violations as well as prohibiting the use of overweight vehicle violations by insurers.

This legislation proposes is the first increase in penalties since the existing provisions were established in the 1970s. Existing provisions do not adequately inhibit commercial shipping companies and others from violating overweight vehicle limitations. The proposed modification establishes a graduated penalty for the amount of weight in excess of the limitations set by statute, regulation and/or permit.

There is also a new offense established to sanction shippers or carriers who commit or allow those working for them to commit a combined total of 12 or more violations during any twelve-month period. The maximum fine for this violation is \$10,000. This modification is expected to result in commercial shippers and carriers being more rigorous toward compliance with overweight vehicle limitations.

Another provision of the bill prohibits the use of overweight vehicle violations for use by insurers to adversely impact decisions related to providing private automobile insurance coverage for drivers. In the majority of cases, the driver has little knowledge or ability to limit the weight of the load placed on the vehicle they are assigned to drive. As a result, the company causes the violation and, if cited, pays the fine imposed.

Currently, overweight vehicle violations are used by insurers as justification to take adverse action in relation to the personal automobile insurance coverage of truck drivers. Section 1 of the bill would prohibit this action.

This legislation will protect drivers who do not know they are in violation and our roads from overweight vehicles in Alaska. The Department of Transportation, Alaska Truckers Association, the Teamsters, and Horizon Shipping Lines all support HB 266, and we urge your support.

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB266-C&S-4-10-05  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to offenses and penalties for RDU CIVIL  
violation of vehicle weight limitations;..." Component Collections and Support  
 Sponsor House Transportation  
 Requester House Transportation Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( GF )</b>	*****	*****	*****	*****	*****	*****
----------------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type -Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill amends AS 21.36 preventing an automobile insurer from taking adverse action against an insured driver because of a violation relating to an overweight vehicle. The bill repeals and reenacts AS 45.75.380 (b) (Weights and Measures Act - General Provisions) by specifying new violations and fines for certain increments by which a vehicle is found to be overweight. The bill further specifies that a motor carrier who is found to exhibit a pattern or practice of violations under the new sections of AS 45.75.380 (a) or (b) (as amended) is subject to a \$500 dollar fine. The current law simply imposes the \$500 fine for any violation of the vehicle weight limit plus \$.05 for each pound over the weight limit.  
 The Department of Law's Collections section already bears responsibility for collecting any fines imposed under the current structure to the extent they are forwarded for collection by the Court System. There may be an indeterminate change to the amount collected through passage of this

Prepared by: Kathryn Daughhete, Director Phone 465-3673  
 Division Administrative Services Division Date/Time 4/10/05 4:34 PM  
 Approved by: Kathryn Daughhete for David Márquez, Attorney General Date 4/10/ 2005  
 Agency Department of Law

**FISCAL NOTE**

**STATE OF ALASKA  
2005 LEGISLATIVE SESSION**

**BILL NO.** \_\_\_\_\_

**ANALYSIS CONTINUATION**

legislation. There should not be an impact to workload.

**Example of Proposed Overweight Penalty**  
**DOT&PF, MSCVE**  
**February 14, 2005**

<b>Overweight Ranges</b>	<b>Penalty per Pound</b>	<b>Amount of overweight</b>	<b>Total Penalty</b>
1,001 to 2,000 lbs.	\$150 flat	2,000	\$ 150
2,001 to 4,000 lbs.	0.08 / lb	4,000	\$ 320
4,001 to 6,000 lbs.	0.12 / lb	6,000	\$ 720
6,001 to 8,000 lbs.	0.16 / lb	8,000	\$ 1,280
8,001 to 10,000 lbs.	0.20 / lb	10,000	\$ 2,000
over 10,000 lbs.	0.24 / lb	30,000	\$ 7,200

WASHTO States								
Overweight Penalty Survey - Amount of Fine at the following weights.								
WASHTO State	Criminal (CR) Civil (CI)	2,000#	4,000#	6,000#	8,000#	10,000#	20,000#	30,000#
AK Proposed	CR	\$150	\$320	\$720	\$1,280	\$2,000	\$4,800	\$7,200
AK	CR traffic	\$100	\$200	\$300	\$400	\$500	\$1,000	\$1,500
AZ	CI	\$300	\$980	\$1,500	\$1,700	\$1,900	\$2,900	\$3,900
CA	CR	\$40	\$125	\$240	\$640	\$2,000	\$4,000	\$6,000
CO	CR Traffic	\$22.50	\$37.50	\$141.50	\$451.60	\$911.70	\$2,639.70	\$4,411.70
HI								
ID	CR Misdemeanor	\$ 15 + court cost	\$ 25 + court cost	\$293.2 + court cost	\$561.4 + court cost	\$829.6 + court cost	\$2500 + court cost	\$5500 + court cost
MT	CR	\$210	\$260	\$310	\$385	\$410	\$1,135	\$2,135
NE*	See below							
NV	CR Misdem/ by court	\$15	\$50	\$110	\$200	\$320	\$1,120	\$1,920
NM	CR	\$25	\$80	\$125	\$275	\$425	\$1,000	\$1,000
ND	CI	\$40	\$140	\$305	\$495	\$655	\$3,000	\$6,000
OK	CR	\$258.90	\$358.90	\$458.90	\$558.90	\$628.90	\$628.90	\$628.90
OR	CR/misdem/traffic	\$79	\$257	\$876	\$1,296	\$1,596	\$4,896	\$7,296
SD	CR + CI	\$250	\$450	\$1,050	\$1,800	\$2,550	\$10,050	\$17,550
TX	CR Misdemeanor	\$100	\$150	\$340	\$420	\$500	\$750	\$1000 Max
UT	CR/classB/Misd (1)	\$50	\$170	\$350	\$450	\$650	\$1,850	calculation
	CR/classB/Misd (2)	\$50	\$200	\$350	\$450	\$550	\$1,050	(1) axle weight (2) gross weight
WA	CR	\$223	\$283	\$523	\$763	\$1,003	\$2,803	\$5,803
WY	CR	\$55	\$80	\$105	\$130	\$180	\$530	\$1,780
NE	% over legal weight	0-5%	5-10%	10-15%	15-20%	20-25%	25%+	
	Gross weight	\$25	\$100	\$200	\$350	\$600	\$1,000	
NE	% over legal weight	0-5%	5-10%	10-15%	15-20%	20-25%	25-30%	40-45%
	Axle weight	\$25	\$75	\$150	\$350	\$500	\$750	\$1,550
								50%+ \$2,500
18 states total								
15 Criminal								
3 Civil								
1 not reported								

## Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G66469	17AAC 25.013(a)(2)	11/1/04	11360	\$568.00	\$10.00	\$578.00	\$0.24	\$2,726.40	\$10.00	\$2,736.40
G67923	17AAC 25.013.(c)	11/2/04	3140	\$157.00	\$10.00	\$167.00	\$0.08	\$251.20	\$10.00	\$261.20
G67862	17AAC 25.013.(c)	11/2/04	3280	\$164.00	\$10.00	\$174.00	\$0.08	\$262.40	\$10.00	\$272.40
G66435	17AAC 25.013.(a) (2)	9/21/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G66565	17AAC 25.013.(a)(1)	10/20/04	4800	\$240.00	\$10.00	\$250.00	\$0.12	\$576.00	\$10.00	\$586.00
G67905	17AAC 25.013.(c)	11/2/04	3420	\$171.00	\$10.00	\$181.00	\$0.08	\$273.60	\$10.00	\$283.60
G64641	17AAC 25.013.(a) (2)	5/4/04	5740	\$287.00	\$10.00	\$297.00	\$0.12	\$688.80	\$10.00	\$698.80
G66432	17AAC 25.013.(a) (2)	9/13/04	2700	\$135.00	\$10.00	\$145.00	\$0.08	\$216.00	\$10.00	\$226.00
G65260	17AAC 25.013.(a) (2)	8/2/04	1460	\$73.00	\$10.00	\$83.00	\$150.00	\$150.00	\$10.00	\$160.00
G69148	17AAC 25.013.(a) (2)	8/2/04	2340	\$117.00	\$10.00	\$127.00	\$0.08	\$187.20	\$10.00	\$197.20
G67816	17AAC 25.013(a)(2)	12/14/04	4380	\$219.00	\$10.00	\$229.00	\$0.12	\$525.60	\$10.00	\$535.60
G65761	17AAC 25.013.(a) (2)	7/22/04	6280	\$314.00	\$10.00	\$324.00	\$0.16	\$1,004.80	\$10.00	\$1,014.80
G69112	17AAC 25.013. (a)(3)	4/27/04	5460	\$273.00	\$10.00	\$283.00	\$0.12	\$655.20	\$10.00	\$665.20
G69122	17AAC 25.013.(a) (2)	5/12/04	8300	\$415.00	\$10.00	\$425.00	\$0.20	\$1,660.00	\$10.00	\$1,670.00
G69145	17AAC 25.013.(a) (2)	7/27/04	7140	\$357.00	\$10.00	\$367.00	\$0.16	\$1,142.40	\$10.00	\$1,152.40
G67802	17AAC 25.013.(a) (2)	8/27/04	3180	\$159.00	\$10.00	\$169.00	\$0.08	\$254.40	\$10.00	\$264.40
G67881	17AAC 25.013.(c)	9/13/04	23460	\$1,198.00	\$10.00	\$1,208.00	\$0.24	\$5,630.40	\$10.00	\$5,640.40
G67912	17AAC 25.013(a)(3)	11/9/04	5600	\$280.00	\$10.00	\$290.00	\$0.12	\$672.00	\$10.00	\$682.00
G67906	17AAC 25.013.(c)	11/3/04	4520	\$266.00	\$10.00	\$276.00	\$0.12	\$542.40	\$10.00	\$552.40
G67812	17AAC 25.013(a)(2)	11/15/04	7820	\$393.00	\$10.00	\$403.00	\$0.16	\$1,251.20	\$10.00	\$1,261.20
G67915	17AAC 25.013.(c)	11/10/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G68452	17AAC 25.013(a)(2)	11/27/04	2360	\$118.00	\$10.00	\$128.00	\$0.08	\$188.80	\$10.00	\$198.80
G67869	17AAC 25.013.(c)	11/24/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G65784	17AAC 25.013(a)(2)	12/8/04	2520	\$126.00	\$10.00	\$136.00	\$0.08	\$201.60	\$10.00	\$211.60
G67872	17AAC 25.013.(c)	12/2/04	2080	\$104.00	\$10.00	\$114.00	\$0.08	\$166.40	\$10.00	\$176.40
G67508	17AAC 25.013.(a) (2)	5/3/04	7040	\$352.00	\$10.00	\$362.00	\$0.16	\$1,126.40	\$10.00	\$1,136.40
G67854	17AAC 25.013.(c)	10/20/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G66590	17AAC 25.013(a)(2)	11/24/04	2180	\$109.00	\$10.00	\$119.00	\$0.08	\$174.40	\$10.00	\$184.40
G69110	17AAC 25.013.(a) (2)	4/26/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G68540	17AAC 25.013.(c)	9/23/04	6840	\$342.00	\$10.00	\$352.00	\$0.16	\$1,094.40	\$10.00	\$1,104.40
G67880	17AAC 25.013.(c)	9/10/04	3880	\$194.00	\$10.00	\$204.00	\$0.08	\$310.40	\$10.00	\$320.40
G66104	17AAC 25.013.(a) (1)	8/5/04	4100	\$205.00	\$10.00	\$215.00	\$0.12	\$492.00	\$10.00	\$502.00
G66437	17AAC 25.013.(a) (2)	9/22/04	2760	\$138.00	\$10.00	\$148.00	\$0.08	\$220.80	\$10.00	\$230.80
G69183	17AAC 25.013.(a) (3)	9/14/04	6200	\$310.00	\$10.00	\$320.00	\$0.16	\$992.00	\$10.00	\$1,002.00
G66364	17AAC 25.013(a)(2)	1/22/04	4180	\$209.00	\$10.00	\$219.00	\$0.12	\$501.60	\$10.00	\$511.60
G70183	17AAC 25.013(a)(2)	12/21/04	2000	\$100.00	\$10.00	\$110.00	\$150.00	\$150.00	\$10.00	\$160.00

### Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G70178	17AAC 25.013(a)(3)	12/2/04	1680	\$83.00	\$10.00	\$93.00	\$150.00	\$150.00	\$10.00	\$160.00
G67884	17AAC 25.013.(c)	9/20/04	3240	\$162.00	\$10.00	\$172.00	\$0.08	\$259.20	\$10.00	\$269.20
G68405	17AAC 25.013.(a) (2)	5/24/04	8220	\$411.00	\$10.00	\$421.00	\$0.20	\$1,644.00	\$10.00	\$1,654.00
G68548	17AAC 25.013.(c)	10/14/04	1860	\$93.00	\$10.00	\$103.00	\$150.00	\$150.00	\$10.00	\$160.00
G67560	17AAC.25.013(a)(2)	1/18/04	2140	\$107.00	\$10.00	\$117.00	\$0.08	\$171.20	\$10.00	\$181.20
G678	17AAC 25.013.(a) (3)		9880	\$494.00	\$10.00	\$504.00	\$0.20	\$1,976.00	\$10.00	\$1,986.00
G66436	17AAC 25.013.(a) (2)	9/21/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G66430	17AAC 25.013.(a) (2)	9/2/04	2280	\$114.00	\$10.00	\$124.00	\$0.08	\$182.40	\$10.00	\$192.40
G66429	17AAC 25.013.(a) (2)	9/2/04	9580	\$479.00	\$10.00	\$489.00	\$0.20	\$1,916.00	\$10.00	\$1,926.00
G65785	17AAC 25.013(a)(2)	12/8/04	7180	\$359.00	\$10.00	\$369.00	\$0.16	\$1,148.80	\$10.00	\$1,158.80
G67857	17AAC 25.013.(c)	10/22/04	3420	\$171.00	\$10.00	\$181.00	\$0.08	\$273.60	\$10.00	\$283.60
G67858	17AAC 25.013.(c)	10/22/04	3400	\$170.00	\$10.00	\$180.00	\$0.08	\$272.00	\$10.00	\$282.00
G66530	17AAC 25.013(a)(2)	11/10/04	3000	\$150.00	\$10.00	\$160.00	\$0.08	\$240.00	\$10.00	\$250.00
G66796	17AAC 25.013(a)(1)	12/11/04	2340	\$117.00	\$10.00	\$127.00	\$0.08	\$187.20	\$10.00	\$197.20
G66574	17AAC 25.013(a)(3)	11/27/04	4080	\$204.00	\$10.00	\$214.00	\$0.12	\$489.60	\$10.00	\$499.60
G66258	17AAC 25.013. (a)(2)	4/19/04	3100	\$155.00	\$10.00	\$165.00	\$0.08	\$248.00	\$10.00	\$258.00
G66190	17AAC 25.013.(a) (3)	5/21/04	2350	\$117.00	\$10.00	\$127.00	\$0.08	\$188.00	\$10.00	\$198.00
G66786	17AAC 25.013.(a) (2)	9/15/04	4860	\$243.00	\$10.00	\$253.00	\$0.12	\$583.20	\$10.00	\$593.20
G66494	17AAC 25.013.(a) (2)	7/22/04	2600	\$130.00	\$10.00	\$140.00	\$0.08	\$208.00	\$10.00	\$218.00
G66563	17AAC 25.013.(a) (1)	9/24/04	2100	\$105.00	\$10.00	\$115.00	\$0.08	\$168.00	\$10.00	\$178.00
G67568	17AAC 25.013.(c)	11/2/04	6560	\$328.00	\$10.00	\$338.00	\$0.16	\$1,049.60	\$10.00	\$1,059.60
G69117	17AAC 25.013.(a) (2)	4/30/04	6520	\$326.00	\$10.00	\$336.00	\$0.16	\$1,043.20	\$10.00	\$1,053.20
G65544	17AAC.25.013(a)(2)	1/20/04	4100	\$205.00	\$10.00	\$215.00	\$0.12	\$492.00	\$10.00	\$502.00
G65643	17AAC.25.013(a)(2)	1/13/04	2960	\$148.00	\$10.00	\$158.00	\$0.08	\$236.80	\$10.00	\$246.80
G67563	17AAC.25.013(a)(2)	2/24/04	5400	\$270.00	\$10.00	\$280.00	\$0.12	\$648.00	\$10.00	\$658.00
G66251	17AAC.25.013(a)(2)	2/25/04	1480	\$74.00	\$10.00	\$84.00	\$150.00	\$150.00	\$10.00	\$160.00
G65865	17AAC 25.013. (a)(2)	3/17/04	4200	\$210.00	\$10.00	\$220.00	\$0.12	\$504.00	\$10.00	\$514.00
G65868	17AAC 25.013. (a)(2)	3/23/04	6850	\$342.50	\$10.00	\$352.50	\$0.16	\$1,096.00	\$10.00	\$1,106.00
G65869	17AAC 25.013. (a)(2)	3/23/04	7060	\$353.00	\$10.00	\$363.00	\$0.16	\$1,129.60	\$10.00	\$1,139.60
G65870	17AAC 25.013. (a)(2)	3/25/04	3140	\$157.00	\$10.00	\$167.00	\$0.08	\$251.20	\$10.00	\$261.20
G65598	17AAC 25.013. (a)(2)	4/22/04	3340	\$167.00	\$10.00	\$177.00	\$0.08	\$267.20	\$10.00	\$277.20
G66790	17AAC 25.013.(a) (2)	9/28/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G66433	17AAC 25.013.(a) (2)	9/15/04	4400	\$220.00	\$10.00	\$230.00	\$0.12	\$528.00	\$10.00	\$538.00
G66785	17AAC 25.013.(a) (2)	9/15/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G66789	17AAC 25.013.(a) (2)	9/21/04	2280	\$114.00	\$10.00	\$124.00	\$0.08	\$182.40	\$10.00	\$192.40
G67801	17AAC 25.013.(a) (2)	8/27/04	3600	\$180.00	\$10.00	\$190.00	\$0.08	\$288.00	\$10.00	\$298.00

## Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight	Offence	Date	Lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G66487	17AAC	25.013(a)(2)	10/1/04	36400	\$1,820.00	\$10.00	\$1,830.00	\$0.24	\$8,736.00	\$10.00	\$8,746.00
G67805	17AAC	25.013(a)(2)	10/12/04	2660	\$133.00	\$10.00	\$143.00	\$0.08	\$212.80	\$10.00	\$222.80
G66443	17AAC	25.013(a)(2)	10/22/04	3100	\$155.00	\$10.00	\$165.00	\$0.08	\$248.00	\$10.00	\$258.00
G66584	17AAC	25.013(a)(2)	11/2/04	2040	\$102.00	\$10.00	\$112.00	\$0.08	\$163.20	\$10.00	\$173.20
G67813	17AAC	25.013(a)(2)	11/19/04	4320	\$216.00	\$10.00	\$226.00	\$0.12	\$518.40	\$10.00	\$528.40
G70114	17AAC	25.013(a)(3)	12/16/04	3120	\$156.00	\$10.00	\$166.00	\$0.08	\$249.60	\$10.00	\$259.60
G70185	17AAC	25.013(a)(2)	12/22/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G66575	17AAC	25.013(a)(1)	12/14/04	3380	\$169.00	\$10.00	\$179.00	\$0.08	\$270.40	\$10.00	\$280.40
G65757	17AAC	25.013.(a) (3)	6/14/04	3900	\$195.00	\$10.00	\$205.00	\$0.08	\$312.00	\$10.00	\$322.00
G65768	17AAC	25.013.(a) (3)	8/24/04	3400	\$170.00	\$10.00	\$180.00	\$0.08	\$272.00	\$10.00	\$282.00
G65767	17AAC	25.013.(a) (3)	8/19/04	1240	\$62.00	\$10.00	\$72.00	\$150.00	\$150.00	\$10.00	\$160.00
G65236	17AAC	25.013.(a) (2)	9/25/04	7380	\$369.00	\$10.00	\$379.00	\$0.16	\$1,180.80	\$10.00	\$1,190.80
G65284	17AAC	25.013(a)(2)	10/26/04	3540	\$177.00	\$10.00	\$187.00	\$0.08	\$283.20	\$10.00	\$293.20
G67586	17AAC	25.013.(a)(2)	4/22/04	2660	\$133.00	\$10.00	\$143.00	\$0.08	\$212.80	\$10.00	\$222.80
G64633	17AAC	25.013.(a) (2)	4/27/04	4960	\$248.00	\$10.00	\$258.00	\$0.12	\$595.20	\$10.00	\$605.20
G64680	17AAC	25.013(a)(2)	2/12/04	9680	\$484.00	\$10.00	\$494.00	\$0.20	\$1,936.00	\$10.00	\$1,946.00
G64680	17AAC	25.013.(a) (2)	2/12/04	8680	\$484.00	\$10.00	\$494.00	\$0.20	\$1,736.00	\$10.00	\$1,746.00
G64642	17AAC	25.013.(a) (2)	5/4/04	3900	\$195.00	\$10.00	\$205.00	\$0.08	\$312.00	\$10.00	\$322.00
G64643	17AAC	25.013.(a) (3)	5/4/04	3660	\$183.00	\$10.00	\$193.00	\$0.08	\$292.80	\$10.00	\$302.80
G64399	17AAC	25.013.(a)(2)	3/30/04	2600	\$130.00	\$10.00	\$140.00	\$0.08	\$208.00	\$10.00	\$218.00
G64651	17AAC	25.013(a)(2)	11/30/04	2880	\$144.00	\$10.00	\$154.00	\$0.08	\$230.40	\$10.00	\$240.40
G65300	17AAC	25.013(a)(2)	11/29/04	8440	\$422.00	\$10.00	\$432.00	\$0.20	\$1,688.00	\$10.00	\$1,698.00
G66189	17AAC	25.013.(a) (2)	5/20/04	1900	\$95.00	\$10.00	\$105.00	\$150.00	\$150.00	\$10.00	\$160.00
G66439	17AAC	25.013(a)(2)	10/8/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G66567	17AAC	25.013.(a)(1)	10/27/04	3260	\$163.00	\$10.00	\$173.00	\$0.08	\$260.80	\$10.00	\$270.80
G66569	17AAC	25.013(a)(2)	11/2/04	3220	\$161.00	\$10.00	\$171.00	\$0.08	\$257.60	\$10.00	\$267.60
G65235	17AAC	25.013.(a) (2)	9/23/04	4760	\$238.00	\$10.00	\$248.00	\$0.12	\$571.20	\$10.00	\$581.20
G66373	AS	45.75.380 (a) (11)	4/19/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G66776	17AAC	25.013.(a) (2)	6/22/04	1520	\$76.00	\$10.00	\$86.00	\$150.00	\$150.00	\$10.00	\$160.00
G66839	17AAC	25.013.(a) (2)	8/3/04	6960	\$348.00	\$10.00	\$358.00	\$0.16	\$1,113.60	\$10.00	\$1,123.60
G66527	17AAC	25.013.(a)(1)	10/4/04	2620	\$131.00	\$10.00	\$141.00	\$0.08	\$209.60	\$10.00	\$219.60
G66791	17AAC	25.013.(c)	10/11/04	5000	\$250.00	\$10.00	\$260.00	\$0.12	\$600.00	\$10.00	\$610.00
G65242	17AAC	25.013(a)(3)	11/21/04	9600	\$480.00	\$10.00	\$490.00	\$0.20	\$1,920.00	\$10.00	\$1,930.00
G68541	17AAC	25.013.(a) (3)	9/23/04	4260	\$213.00	\$10.00	\$223.00	\$0.12	\$511.20	\$10.00	\$521.20
G64398	17AAC	25.013.(a)(2)	3/18/04	3580	\$179.00	\$10.00	\$189.00	\$0.08	\$286.40	\$10.00	\$296.40
G64397	17AAC	25.013.(a)(2)	3/18/04	4900	\$245.00	\$10.00	\$255.00	\$0.12	\$588.00	\$10.00	\$598.00

## Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G65230	17AAC 25.013.(a) (3)	7/21/04	6360	\$318.00	\$10.00	\$328.00	\$0.16	\$1,017.60	\$10.00	\$1,027.60
G66737	17AAC 25.013.(a) (2)	8/2/04	3000	\$150.00	\$10.00	\$160.00	\$0.08	\$240.00	\$10.00	\$250.00
G66213	17AAC 25.013.(a) (2)	7/17/04	5820	\$291.00	\$10.00	\$301.00	\$0.12	\$698.40	\$10.00	\$708.40
G66221	17AAC 25.013.(a) (3)	7/23/04	2850	\$142.00	\$10.00	\$152.00	\$0.08	\$228.00	\$10.00	\$238.00
G66576	17AAC 25.013(a)(3)	11/15/04	1240	\$62.00	\$10.00	\$72.00	\$150.00	\$150.00	\$10.00	\$160.00
G66778	17AAC 25.013.(a) (3)	7/22/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G66374	17AAC 25.013. (a)(2)	4/27/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G66783	17AAC 25.013.(a) (2)	9/5/04	1480	\$74.00	\$10.00	\$84.00	\$150.00	\$150.00	\$10.00	\$160.00
G67809	17AAC 25.013(b)	11/8/04	6460	\$323.00	\$10.00	\$333.00	\$0.16	\$1,033.60	\$10.00	\$1,043.60
G65848	17AAC 25.013. (a)(2)	4/1/04	2020	\$101.00	\$10.00	\$111.00	\$0.08	\$161.60	\$10.00	\$171.60
G66207	17AAC 25.013. (a)(2)	4/28/04	6500	\$325.00	\$10.00	\$335.00	\$0.16	\$1,040.00	\$10.00	\$1,050.00
G66206	17AAC 25.013. (a)(2)	4/28/04	5800	\$294.00	\$10.00	\$304.00	\$0.12	\$696.00	\$10.00	\$706.00
G66208	17AAC 25.013 (a)(2)	4/28/04	2320	\$116.00	\$10.00	\$126.00	\$0.08	\$185.60	\$10.00	\$195.60
G66204	17AAC 25.013. (a)(2)	4/19/04	6300	\$315.00	\$10.00	\$325.00	\$0.16	\$1,008.00	\$10.00	\$1,018.00
G66205	17AAC 25.013. (a)(2)	4/27/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G66203	17AAC 25.013. (a)(2)	4/14/04	5880	\$294.00	\$10.00	\$304.00	\$0.12	\$705.60	\$10.00	\$715.60
G66202	17AAC 25.013. (a)(2)	4/13/04	3460	\$173.00	\$10.00	\$183.00	\$0.08	\$276.80	\$10.00	\$286.80
G69173	17AAC 25.013.(a) (2)	8/30/04	4300	\$215.00	\$10.00	\$225.00	\$0.12	\$516.00	\$10.00	\$526.00
G66581	17AAC 25.013(a)(2)	10/5/04	2660	\$133.00	\$10.00	\$143.00	\$0.08	\$212.80	\$10.00	\$222.80
G66582	17AAC 25.013(a)(2)	10/8/04	2440	\$122.00	\$10.00	\$132.00	\$0.08	\$195.20	\$10.00	\$205.20
G66583	17AAC 25.013(a)(2)	10/25/04	5080	\$254.00	\$10.00	\$264.00	\$0.12	\$609.60	\$10.00	\$619.60
G66587	17AAC 25.013(a)(3)	11/3/04	8420	\$421.00	\$10.00	\$431.00	\$0.20	\$1,684.00	\$10.00	\$1,694.00
G66586	17AAC 25.013(a)(2)	11/3/04	4040	\$202.00	\$10.00	\$212.00	\$0.12	\$484.80	\$10.00	\$494.80
G66448	17AAC 25.013(a)(2)	11/10/04	2280	\$114.00	\$10.00	\$124.00	\$0.08	\$182.40	\$10.00	\$192.40
G67811	17AAC 25.013(a)(2)	11/12/04	4460	\$223.00	\$10.00	\$233.00	\$0.12	\$535.20	\$10.00	\$545.20
G67815	17AAC 25.013(a)(2)	11/26/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G70107	17AAC 25.013.(c)	11/29/04	5180	\$259.00	\$10.00	\$269.00	\$0.12	\$621.60	\$10.00	\$631.60
G66592	17AAC 25.013(a)(2)	11/30/04	2400	\$120.00	\$10.00	\$130.00	\$0.08	\$192.00	\$10.00	\$202.00
G66593	17AAC 25.013(a)(3)	11/30/04	1040	\$52.00	\$10.00	\$62.00	\$150.00	\$150.00	\$10.00	\$160.00
G70108	17AAC 25.013.(c)	12/7/04	6760	\$338.00	\$10.00	\$348.00	\$0.16	\$1,081.60	\$10.00	\$1,091.60
G66595	17AAC 25.013(a)(2)	12/8/04	2120	\$106.00	\$10.00	\$116.00	\$0.08	\$169.60	\$10.00	\$179.60
G70180	17AAC 25.013(a)(2)	12/8/04	2020	\$101.00	\$10.00	\$111.00	\$0.08	\$161.60	\$10.00	\$171.60
G66597	17AAC 25.013(a)(2)	12/10/04	3020	\$151.00	\$10.00	\$161.00	\$0.08	\$241.60	\$10.00	\$251.60
G64832	17AAC.25.013(a)(2)	2/18/04	1540	\$77.00	\$10.00	\$87.00	\$150.00	\$150.00	\$10.00	\$160.00
G66211	17AAC 25.013.(a) (2)	5/24/04	6340	\$317.00	\$10.00	\$327.00	\$0.16	\$1,014.40	\$10.00	\$1,024.40
G66210	17AAC 25.013.(a) (2)	5/24/04	3720	\$186.00	\$10.00	\$196.00	\$0.08	\$297.60	\$10.00	\$307.60

## Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G64981	17AAC 25.013. (a)(2)	4/10/04	3400	\$170.00	\$10.00	\$180.00	\$0.08	\$272.00	\$10.00	\$282.00
G64980	17AAC 25.013. (a)(2)	4/10/04	2620	\$131.00	\$10.00	\$141.00	\$0.08	\$209.60	\$10.00	\$219.60
G67587	17AAC 25.013. (a)(1)	4/29/04	2540	\$127.00	\$10.00	\$137.00	\$0.08	\$203.20	\$10.00	\$213.20
G66543	17AAC 25.013(a)(2)	1/15/04	2980	\$149.00	\$10.00	\$159.00	\$0.08	\$238.40	\$10.00	\$248.40
G65650	17AAC 25.013.(a) (2)	7/15/04	3280	\$164.00	\$10.00	\$174.00	\$0.08	\$262.40	\$10.00	\$272.40
G67125	17AAC 25.013.(a) (2)	5/2/04	3780	\$189.00	\$10.00	\$199.00	\$0.08	\$302.40	\$10.00	\$312.40
G67918	17AAC 25.013.(c)	11/15/04	4220	\$211.00	\$10.00	\$221.00	\$0.12	\$506.40	\$10.00	\$516.40
G65268	17AAC 25.013.(a) (2)	8/17/04	2520	\$126.00	\$10.00	\$136.00	\$0.08	\$201.60	\$10.00	\$211.60
G65269	17AAC 25.013.(a) (2)	8/17/04	2020	\$101.00	\$10.00	\$111.00	\$0.08	\$161.60	\$10.00	\$171.60
G69154	17AAC 25.013.(a) (2)	7/13/04	4680	\$234.00	\$10.00	\$244.00	\$0.12	\$561.60	\$10.00	\$571.60
G66553	17AAC 25.013.(a) (3)	7/22/04	4480	\$224.00	\$10.00	\$234.00	\$0.12	\$537.60	\$10.00	\$547.60
G67889	17AAC 25.013.(c)	9/24/04	4800	\$240.00	\$10.00	\$250.00	\$0.12	\$576.00	\$10.00	\$586.00
G67855	17AAC 25.013.(c)	10/20/04	4600	\$230.00	\$10.00	\$240.00	\$0.12	\$552.00	\$10.00	\$562.00
G65866	17AAC 25.013. (a)(2)	3/19/04	3320	\$166.00	\$10.00	\$176.00	\$0.08	\$265.60	\$10.00	\$275.60
G65872	17AAC 25.013. (a)(2)	3/30/04	1520	\$76.00	\$10.00	\$86.00	\$150.00	\$150.00	\$10.00	\$160.00
G67459	17AAC 25.013.(a) (3)	8/2/04	3040	\$152.00	\$10.00	\$162.00	\$0.08	\$243.20	\$10.00	\$253.20
G65296	17AAC 25.013(a)(2)	11/9/04	4140	\$207.00	\$10.00	\$217.00	\$0.12	\$496.80	\$10.00	\$506.80
G65295	17AAC 25.013(a)(2)	11/9/04	3960	\$198.00	\$10.00	\$208.00	\$0.08	\$316.80	\$10.00	\$326.80
G66492	17AAC 25.013.(a) (2)	7/21/04	9600	\$480.00	\$10.00	\$490.00	\$0.20	\$1,920.00	\$10.00	\$1,930.00
G65285	17AAC 25.013(a)(2)	10/26/04	10400	\$520.00	\$10.00	\$530.00	\$0.24	\$2,496.00	\$10.00	\$2,506.00
G67864	17AAC 25.013(a)(3)	11/3/04	3620	\$181.00	\$10.00	\$191.00	\$0.08	\$289.60	\$10.00	\$299.60
G69124	17AAC 25.013.(a) (2)	5/13/04	14940	\$747.00	\$10.00	\$757.00	\$0.24	\$3,585.60	\$10.00	\$3,595.60
G67877	17AAC 25.013.(c)	9/7/04	3640	\$182.00	\$10.00	\$192.00	\$0.08	\$291.20	\$10.00	\$301.20
G65234	17AAC 25.013.(a) (3)	9/16/04	5220	\$286.00	\$10.00	\$296.00	\$0.12	\$626.40	\$10.00	\$636.40
G67573	17AAC 25.013.(c)	12/15/04	3280	\$189.00	\$10.00	\$199.00	\$0.08	\$262.40	\$10.00	\$272.40
G67510	17AAC 25.013.(a) (3)	8/12/04	2100	\$105.00	\$10.00	\$115.00	\$0.08	\$168.00	\$10.00	\$178.00
G67895	17AAC 25.013.(c)	10/5/04	3680	\$184.00	\$10.00	\$194.00	\$0.08	\$294.40	\$10.00	\$304.40
G67588	17AAC 25.013.(a) (2)	6/8/04	3500	\$175.00	\$10.00	\$185.00	\$0.08	\$280.00	\$10.00	\$290.00
G66191	17AAC 25.013.(a) (2)	5/21/04	3300	\$165.00	\$10.00	\$175.00	\$0.08	\$264.00	\$10.00	\$274.00
G66201	17AAC 25.013. (a)(2)	4/12/04	2200	\$110.00	\$10.00	\$120.00	\$0.08	\$176.00	\$10.00	\$186.00
G65287	17AAC 25.013.(a) (3)	10/28/04	2680	\$134.00	\$10.00	\$144.00	\$0.08	\$214.40	\$10.00	\$224.40
G69115	17AAC 25.013. ( c )	4/8/04	4400	\$220.00	\$10.00	\$230.00	\$0.12	\$528.00	\$10.00	\$538.00
G69128	17AAC 25.013.(a) (2)	5/10/04	4120	\$206.00	\$10.00	\$216.00	\$0.12	\$494.40	\$10.00	\$504.40
G69149	17AAC 25.013.(a) (2)	8/2/04	4880	\$244.00	\$10.00	\$254.00	\$0.12	\$585.60	\$10.00	\$595.60
G67806	17AAC 25.013(a)(2)	10/21/04	3420	\$171.00	\$10.00	\$181.00	\$0.08	\$273.60	\$10.00	\$283.60
G67719	17AAC 25.013. (a)(2)	3/18/04	2300	\$115.00	\$10.00	\$125.00	\$0.08	\$184.00	\$10.00	\$194.00

# Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G67569	17AAC 25.013.(c)	12/4/04	2580	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G674 .2	17AAC 25.013.(a) (2)	5/10/04	3880	\$194.00	\$10.00	\$204.00	\$0.08	\$310.40	\$10.00	\$320.40
G64638	17AAC 25.013.(a) (2)	4/29/04	1580	\$79.00	\$10.00	\$89.00	\$150.00	\$150.00	\$10.00	\$160.00
G64639	17AAC 25.013.(a) (2)	4/29/04	2180	\$109.00	\$10.00	\$119.00	\$0.08	\$174.40	\$10.00	\$184.40
G64640	17AAC 25.013.(a) (2)	4/29/04	2160	\$108.00	\$10.00	\$118.00	\$0.08	\$172.80	\$10.00	\$182.80
G66559	17AAC 25.013.(a) (2)	8/28/04	4160	\$208.00	\$10.00	\$218.00	\$0.12	\$499.20	\$10.00	\$509.20
G65766	17AAC 25.013 (b)	8/17/04	3080	\$154.00	\$10.00	\$164.00	\$0.08	\$246.40	\$10.00	\$256.40
G65783	17AAC 25.013(a)(2)	12/6/04	2180	\$109.00	\$10.00	\$119.00	\$0.08	\$174.40	\$10.00	\$184.40
G67826	17AAC 25.013(a)(2)	10/4/04	8400	\$424.00	\$10.00	\$434.00	\$0.20	\$1,680.00	\$10.00	\$1,690.00
G67561	17AAC.25.013(a)(2)	1/18/04	2260	\$113.00	\$10.00	\$123.00	\$0.08	\$180.80	\$10.00	\$190.80
G65649	17AAC 25.013.(a) (2)	7/9/04	3240	\$162.00	\$10.00	\$172.00	\$0.08	\$259.20	\$10.00	\$269.20
G66834	17AAC 25.013.(a) (2)	7/6/04	3500	\$175.00	\$10.00	\$185.00	\$0.08	\$280.00	\$10.00	\$290.00
G66367	17AAC.25.013(a)(2)	2/23/04	4200	\$210.00	\$10.00	\$220.00	\$0.12	\$504.00	\$10.00	\$514.00
G66252	17AAC.25.013(a)(2)	2/27/04	3280	\$164.00	\$10.00	\$174.00	\$0.08	\$262.40	\$10.00	\$272.40
G66366	17AAC.25.013(a)(2)	2/5/04	2060	\$103.00	\$10.00	\$113.00	\$0.08	\$164.80	\$10.00	\$174.80
G65871	17AAC 25.013. (a)(2)	3/25/04	2300	\$115.00	\$10.00	\$125.00	\$0.08	\$184.00	\$10.00	\$194.00
G67868	17AAC 25.013(a)(3)	11/12/04	3900	\$195.00	\$10.00	\$205.00	\$0.08	\$312.00	\$10.00	\$322.00
G65781	17AAC 25.013(a)(3)	11/22/04	1680	\$84.00	\$10.00	\$94.00	\$150.00	\$150.00	\$10.00	\$160.00
G65290	17AAC 25.013(a)(3)	11/1/04	7460	\$373.00	\$10.00	\$383.00	\$0.16	\$1,153.60	\$10.00	\$1,203.60
G65292	17AAC 25.013(a)(3)	11/1/04	5780	\$289.00	\$10.00	\$299.00	\$0.12	\$693.60	\$10.00	\$703.60
G67562	17AAC.25.013(a)(2)	1/14/04	2560	\$128.00	\$10.00	\$138.00	\$0.08	\$204.80	\$10.00	\$214.80
G67124	17AAC 25.013. (a)(2)	4/23/04	4600	\$230.00	\$10.00	\$240.00	\$0.12	\$552.00	\$10.00	\$562.00
G67564	17AAC 25.013. (a)(2)	4/24/04	1700	\$85.00	\$10.00	\$95.00	\$150.00	\$150.00	\$10.00	\$160.00
G67509	17AAC 25.013.(a) (2)	5/7/04	4480	\$224.00	\$10.00	\$234.00	\$0.12	\$537.60	\$10.00	\$547.60
G67589	17AAC 25.013.(a) (2)	7/15/04	12480	\$624.00	\$10.00	\$634.00	\$0.24	\$2,995.20	\$10.00	\$3,005.20
G67507	17AAC 25.013. (a)(2)	4/5/04	2400	\$120.00	\$10.00	\$130.00	\$0.08	\$192.00	\$10.00	\$202.00
G68514	17AAC 25.013. (a)(2)	4/13/04	1460	\$73.00	\$10.00	\$83.00	\$150.00	\$150.00	\$10.00	\$160.00
G65847	17AAC 25.013. (a)(3)	3/18/04	4200	\$210.00	\$10.00	\$220.00	\$0.12	\$504.00	\$10.00	\$514.00
G69134	17AAC 25.013.(a) (2)	5/25/04	1780	\$89.00	\$10.00	\$99.00	\$150.00	\$150.00	\$10.00	\$160.00
G69114	17AAC 25.013.(a) (2)	4/28/04	4160	\$208.00	\$10.00	\$218.00	\$0.12	\$499.20	\$10.00	\$509.20
G68545	17AAC 25.013.(c)	9/30/04	3040	\$152.00	\$10.00	\$162.00	\$0.08	\$243.20	\$10.00	\$253.20
G67852	17AAC 25.013.(a) (3)	10/19/04	3940	\$197.00	\$10.00	\$207.00	\$0.08	\$315.20	\$10.00	\$325.20
G69156	17AAC 25.013.(a) (2)	7/14/04	6960	\$348.00	\$10.00	\$358.00	\$0.16	\$1,113.60	\$10.00	\$1,123.60
G66560	17AAC 25.013.(a) (2)	9/21/04	2220	\$111.00	\$10.00	\$121.00	\$0.08	\$177.60	\$10.00	\$187.60
G66568	17AAC 25.013(a)(2)	10/29/04	2940	\$147.00	\$10.00	\$157.00	\$0.08	\$235.20	\$10.00	\$245.20
G67853	17AAC 25.013 (c)	10/19/04	3840	\$192.00	\$10.00	\$202.00	\$0.08	\$307.20	\$10.00	\$317.20

## Overweight Uniform Traffic Citations (UTC) CY2004

Citation	Over Weight	Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G65786	17AAC	25.013(a)(2)	12/9/04	2160	\$108.00	\$10.00	\$118.00	\$0.08	\$172.80	\$10.00	\$182.80
G65769	17AAC	25.013.(c)	8/27/04	4520	\$226.00	\$10.00	\$236.00	\$0.12	\$542.40	\$10.00	\$552.40
G68401	17AAC	25.013.(a)(2)	3/22/04	6020	\$301.00	\$10.00	\$311.00	\$0.16	\$963.20	\$10.00	\$973.20
G65760	17AAC	25.013.(a)(2)	7/20/04	3300	\$165.00	\$10.00	\$175.00	\$0.08	\$264.00	\$10.00	\$274.00
G68544	17AAC	25.013.(c)	9/30/04	3060	\$153.00	\$10.00	\$163.00	\$0.08	\$244.80	\$10.00	\$254.80
G67882	17AAC	25.013.(c)	9/14/04	4340	\$217.00	\$10.00	\$227.00	\$0.12	\$520.80	\$10.00	\$530.80
G66787	17AAC	25.013.(a)(2)	9/18/04	4860	\$243.00	\$10.00	\$253.00	\$0.12	\$583.20	\$10.00	\$593.20
G66788	17AAC	25.013.(a)(2)	9/18/04	3980	\$199.00	\$10.00	\$209.00	\$0.08	\$318.40	\$10.00	\$328.40
G65241	17AAC	25.013(a)(2)	11/14/04	5240	\$262.00	\$10.00	\$272.00	\$0.12	\$628.80	\$10.00	\$638.80
G65775	17AAC	25.013(a)(2)	10/7/04	2320	\$112.00	\$10.00	\$122.00	\$0.08	\$185.60	\$10.00	\$195.60
G66585	17AAC	25.013(a)(2)	11/3/04	2260	\$113.00	\$10.00	\$123.00	\$0.08	\$180.80	\$10.00	\$190.80
G66572	17AAC	25.013(a)(1)	11/9/04	3240	\$162.00	\$10.00	\$172.00	\$0.08	\$259.20	\$10.00	\$269.20
G66591	17AAC	25.013(a)(2)	11/29/04	3720	\$186.00	\$10.00	\$196.00	\$0.08	\$297.60	\$10.00	\$307.60
G66705	17AAC	25.013(a)(3)	11/22/04	3360	\$168.00	\$10.00	\$178.00	\$0.08	\$268.80	\$10.00	\$278.80
G70184	17AAC	25.013(a)(1)	12/22/04	3680	\$184.00	\$10.00	\$194.00	\$0.08	\$294.40	\$10.00	\$304.40
G66797	17AAC	25.013(a)(3)	12/14/04	4180	\$209.00	\$10.00	\$219.00	\$0.12	\$501.60	\$10.00	\$511.60
G67916	17AAC	25.013.(c)	11/12/04	4380	\$219.00	\$10.00	\$229.00	\$0.12	\$525.60	\$10.00	\$535.60
G65782	17AAC	25.013(a)(2)	12/6/04	2200	\$110.00	\$10.00	\$120.00	\$0.08	\$176.00	\$10.00	\$186.00
G67078	17AAC	25.013.(a)(3)	10/12/04	3340	\$167.00	\$10.00	\$177.00	\$0.08	\$267.20	\$10.00	\$277.20
G69171	17AAC	25.013.(a)(2)	8/24/04	3320	\$166.00	\$10.00	\$176.00	\$0.08	\$265.60	\$10.00	\$275.60
G65776	17AAC	25.013(a)(2)	10/7/04	5120	\$256.00	\$10.00	\$266.00	\$0.12	\$614.40	\$10.00	\$624.40
G67804	17AAC	25.013.(a)(2)	9/16/04	2960	\$148.00	\$10.00	\$158.00	\$0.08	\$236.80	\$10.00	\$246.80
G67873	17AAC	25.013.(c)	12/3/04	3040	\$152.00	\$10.00	\$162.00	\$0.08	\$243.20	\$10.00	\$253.20
G65759	17AAC	25.013.(a)(3)	7/20/04	5920	\$296.00	\$10.00	\$306.00	\$0.12	\$710.40	\$10.00	\$720.40
G65764	17AAC	25.013.(a)(2)	7/30/04	3740	\$187.00	\$10.00	\$197.00	\$0.08	\$299.20	\$10.00	\$309.20
G65771	17AAC	25.013.(a)(3)	9/27/04	5020	\$251.00	\$10.00	\$261.00	\$0.12	\$602.40	\$10.00	\$612.40
G67572	17AAC	25.013.(c)	12/11/04	2640	\$132.00	\$10.00	\$142.00	\$0.08	\$211.20	\$10.00	\$221.20
G67899	17AAC	25.013.(c)	10/13/04	9080	\$454.00	\$10.00	\$464.00	\$0.20	\$1,816.00	\$10.00	\$1,826.00
G65299	17AAC	25.013(a)(2)	11/29/04	2240	\$112.00	\$10.00	\$122.00	\$0.08	\$179.20	\$10.00	\$189.20
G66794	17AAC	25.013(a)(2)	11/9/04	2320	\$116.00	\$10.00	\$126.00	\$0.08	\$185.60	\$10.00	\$195.60
G67911	17AAC	25.013.(c)	11/8/04	7160	\$358.00	\$10.00	\$368.00	\$0.16	\$1,145.60	\$10.00	\$1,155.60
G70176	17AAC	25.013(a)(2)	11/29/04	4440	\$222.00	\$10.00	\$232.00	\$0.12	\$532.80	\$10.00	\$542.80
G67451	17AAC	25.013.(a)(2)	5/7/04	3120	\$156.00	\$10.00	\$166.00	\$0.08	\$249.60	\$10.00	\$259.60
G69163	17AAC	25.013.(a)(2)	7/26/04	5640	\$282.00	\$10.00	\$292.00	\$0.12	\$676.80	\$10.00	\$686.80
G68546	17AAC	25.013.(c)	10/8/04	8480	\$427.00	\$10.00	\$437.00	\$0.20	\$1,696.00	\$10.00	\$1,706.00
G68549	17AAC	25.013.(a)(3)	10/14/04	3840	\$192.00	\$10.00	\$202.00	\$0.08	\$307.20	\$10.00	\$317.20

**Overweight Uniform Traffic Citations (UTC) CY2004**

Citation	Over Weight Offence	Date	lbs Owt	Bail	Surcharge	Total	New Rate	Bail	Surcharge	Total
G65763	17AAC 25.013.(a)(2)	7/27/04	2100	\$105.00	\$10.00	\$115.00	\$0.08	\$168.00	\$10.00	\$178.00
G65849	17AAC 25.013.(a)(2)	4/7/04	5580	\$279.00	\$10.00	\$289.00	\$0.12	\$669.60	\$10.00	\$679.60
G67851	17AAC 25.013.(c)	10/15/04	1900	\$95.00	\$10.00	\$105.00	\$150.00	\$150.00	\$10.00	\$160.00
G64634	17AAC 25.013.(a)(2)	4/27/04	3060	\$153.00	\$10.00	\$163.00	\$0.08	\$244.80	\$10.00	\$254.80
G64635	17AAC 25.013.(a)(2)	4/27/04	3880	\$194.00	\$10.00	\$204.00	\$0.08	\$310.40	\$10.00	\$320.40
G67592	17AAC 25.013(a)(2)	11/10/04	2880	\$144.00	\$10.00	\$154.00	\$0.08	\$230.40	\$10.00	\$240.40
G70106	17AAC 25.013(a)(3)	11/29/04	4920	\$246.00	\$10.00	\$256.00	\$0.12	\$590.40	\$10.00	\$600.40
370115	17AAC 25.013(a)(3)	12/21/04	1380	\$69.00	\$10.00	\$79.00	\$150.00	\$150.00	\$10.00	\$160.00
G70182	17AAC 25.013(a)(3)	12/17/04	7160	\$358.00	\$10.00	\$368.00	\$0.16	\$1,145.60	\$10.00	\$1,155.60
				<b>\$55,179.50</b>	<b>\$2,610.00</b>	<b>\$57,789.50</b>		<b>\$144,005.60</b>	<b>\$2,610.00</b>	<b>\$146,615.60</b>

<b>New Fine Schedule CY 2004</b>	<b>\$146,615.60</b>
<b>CY 2004 Actual</b>	<b>\$57,789.50</b>
<b>Estimate of new revenue from new fine schedule.</b>	<b>\$88,826.10</b>