

**HOUSE COMMITTEE ON TRANSPORTATION**

February 09, 2005 Hearing Room C

1:00 P.M. Tapes 12 - 14

**MEMBERS PRESENT:**           **Rep. George Gilman, Chair**

**Rep. Terry Beyer, Vice-Chair**

**Rep. Chuck Burley, Vice-Chair**

**Rep. Deborah Boone**

**Rep. Scott Bruun**

**Rep. Dave Hunt**

**Rep. Kim Thatcher**

**STAFF PRESENT:**           **John Houser, Committee Administrator**

**Mike Reiley, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HB 2109 – Public Hearing**

**HB 2353 – Public Hearing**

**HB 2106 – Public Hearing and Work Session**

**HB 2114 – Public Hearing**

**HB 2223 – Public Hearing and Work Session**

**Road User Fee Pilot Program – Informational Meeting**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

**TAPE/#      Speaker                      Comments**

**TAPE 12, A**

003              Chair Gilman                      Calls the meeting to order at 1:00 p.m. Opens a public hearing on HB 2109.

**HB 2109 – PUBLIC HEARING**

010              John Houser                      Committee Administrator. Introduces HB 2109.

021              Troy Costales                      Manager, Transportation Safety Division, Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony in support of HB 2109 (**EXHIBIT A**).

037              Chair Gilman                      Proposes a work group to address HB 2109.

042              Rep. Burley                      Asks for a clarification of the language in HB 2109, Section 1, “within a marked or unmarked crosswalk” and why the proposed new language does not make a distinction between the two.

048              Costales                      Answers that he does not know.

056              Rep. Burley                      Asks about the proposed language in HB 2109 relating to motorists treating pedestrians the same at all intersections as opposed to crosswalks only.

072              Costales                      Answers that the language addresses pedestrians crossing at intersections rather than mid-block with no crosswalk.

080              Rep. Burley                      Asks if the changes made by HB 2109 would create two sections in statute addressing the same issue.

090              Costales                      Explains the difference in the motor vehicle code for controlled and uncontrolled intersections. Highlights the differences between SB 492 and HB 2109.

**The following material is submitted for the record without public testimony:**

	Christy Munson	League of Oregon Cities. Submits prepared testimony regarding HB 2109 ( <b>EXHIBIT B</b> ).
	Scott Bricker	Willamette Pedestrian Coalition. Submits prepared testimony in support of HB 2109 ( <b>EXHIBIT C</b> ).
102	Chair Gilman	Closes the public hearing on HB 2109. Asks Rep. Burley to serve on the work group to address the issue. Opens a public hearing on HB 2353.

**HB 2353 – PUBLIC HEARING**

110	John Houser	Committee Administrator. Introduces HB 2353.
126	Steven Johnston	Retired state employee. Submits and reads prepared testimony in opposition to HB 2353 ( <b>EXHIBIT D</b> ).
196	Chair Gilman	Clarifies that California does not allow the towing of two vehicles.
200	Johnston	Answers that they previously allowed it, but when it came up for renewal, it was allowed to sunset.
220	Gregg Dal Ponte	Administrator, Motor Carrier Division, Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony in opposition to HB 2353 ( <b>EXHIBIT E</b> ). Explains that it is “imprudent to the Department to create another category of longer combination vehicles that are going to add to the traffic we already have on our highways and byways.”
260	Lieutenant Gary Miller	Assistant Director, Patrol Services Division, Department of State Police. Submits and summarizes prepared testimony in opposition to HB 2353 ( <b>EXHIBIT F</b> ). Notes the “certain dynamic concerns” with double and triple trailers.
295	Rep. Boone	Relates her experience as a volunteer firefighter and problems with double trailers on Highway 26.
310	Jon Oshel	County Road Program Manager, Association of Oregon Counties. Submits and summarizes prepared testimony in opposition to HB

2353 (**EXHIBIT G**). Notes the written testimony from B.J. Smith, Director of the Public and Government Relations Department in Clackamas County (**EXHIBIT H**) and Gregory Miller, County Engineer, Washington County (**EXHIBIT I**).

350 James Buisman Public Works Director, Lincoln County. Submits and summarizes prepared testimony in opposition to HB 2353 (**EXHIBIT J**).

**TAPE 13, A**

025 Oshel Explains the problem with lead vehicles that do not have enough power to tow trailers or fifth wheels.

030 Rep. Boone Asks if the intent for the bill was for pick-ups with a fifth wheel and boat.

035 Oshel Suspects that the intention for the bill was for a pickup with a fifth wheel RV with either a boat or a trailer towing a motorcycle or snowmobile. Argues that it should not be allowed.

**The following material is submitted for the record without public testimony:**

Michael Hill Submits prepared testimony regarding HB 2353 (**EXHIBIT K**).

040 Chair Gilman Closes the public hearing on HB 2353. Opens a public hearing on HB 2106.

**HB 2106 – PUBLIC HEARING**

045 John Houser Committee Administrator. Introduces HB 2106.

060 Robin Freeman Oregon Department of Transportation (ODOT). Submits and reads prepared testimony in support of HB 2106 (**EXHIBIT L**).

095 Rep. Hunt Asks what the difference would be between statutory authority and administrative rule.

100 Freeman Answers there is no difference.

103	Rep. Burley	Asks if HB 2106 will make it easier for the Division of Motor Vehicles (DMV) and the individual by clarifying the replacement and origination license fees.
106	Freeman	Answers yes.
108	Rep. Burley	Asks who would destroy rather than surrender licenses under HB 2106.
110	Freeman	Answers that she does not know, but suspects that the bill would prevent the licenses from falling “into the wrong hands.”
114	Burley	Proposes that the bill require a license to be surrendered to DMV.
120	Chair Gilman	Closes the public hearing on HB 2106 and opens a work session on HB 2106.

#### **HB 2106 – WORK SESSION**

124	Rep. Beyer	<b>MOTION: Moves HB 2106 to the floor with a DO PASS recommendation.</b>
128	Rep. Burley	Asks for amendments to require a license to be surrendered to DMV, noting identity theft concerns.
133	Rep. Beyer	Withdraws her motion.
140	Chair Gilman	Announces that the committee will wait for amendments from Rep. Burley. Closes the work session on HB 2106. Opens a public hearing on HB 2114.

#### **HB 2114 – PUBLIC HEARING**

145	John Houser	Committee Administrator. Introduces HB 2114.
160	Robin Freeman	Oregon Department of Transportation (ODOT). Submits and reads prepared testimony in support of HB 2114 ( <b>EXHIBIT M</b> ).
210	Rep. Burley	Asks if a new definition of “motor vehicle” is being created and if it would be better in different section of statute.

220	Freeman	Answers that the intent of the previous legislation was for passenger vehicles.
227	Rep. Beyer	Explains the work that was done on the previous legislation and the assumption that was made that it would address passenger vehicles and notes that the language in HB 2114 clarifies the definition of “motor vehicle”.
250	Rep. Burley	Cites ORS 801.360 definition of “motor vehicle”, notes that there is no definition for “passenger vehicle”, wonders if one is being created and if it should be in a different section of statute.
262	Freeman	Answers that she will get the information for the committee.
270	Al Elkins	Oregon Tow Truck Association. Testifies in support of HB 2114. Explains the bill and the -1 amendments ( <b>EXHIBIT N</b> ).
290	Monty King	President, Oregon Vehicle Dealer Association. Submits and summarizes prepared testimony regarding HB 2114 ( <b>EXHIBIT O</b> ).
395	Rep. Hunt	Asks if Mr. King’s testimony applies to different types of vehicles such as recreational vehicles like snowmobiles or mopeds.
400	King	Answers that he does not think vehicles such as mopeds are titled and would not be addressed by HB 2114.

**TAPE 12, B**

026	Darrell Fuller	Oregon Auto Dealers Association. Expresses concern about language “primarily designed to carry passengers” and potential misinterpretation. Notes that pick-up trucks may be inadvertently excluded. Proposes more specific language to clarify bill’s intent.
070	Freeman	States that she will review the definition of “passenger vehicle” and ensure that pick-up trucks are included.
083	Rep. Beyer	Asks if a process is in place for ODOT to make changes to the permitting process.
090	Freeman	

Answers that there is not a complete process and the permit issue will have to be addressed. Notes that ODOT can issue two 10-day permits to a passenger motorized vehicle.

- 098 Rep. Beyer Notes the work done on the issue in the previous legislative session and that it was good start and hopes that the current issues can be clarified.
- 109 Rep. Burley Asks Ms. Freeman for clarification about the classification of other vehicles such as motorcycles.
- 117 Chair Gilman Closes the public hearing on HB 2114. Opens a public hearing on HB 2223.

### **HB 2223 – PUBLIC HEARING**

- 120 John Houser Committee Administrator. Introduces HB 2223.
- 130 Kevin Neely Public Affairs & Legislative Coordinator, Oregon Department of Justice. Submits and summarizes prepared testimony in support of HB 2223 (**EXHIBIT P**).
- 165 Rep. Hunt Asks if ORS 814.092 is not needed because ORS 814.090 would be repealed.
- 173 Neely Answers yes.
- 185 Rep. Hunt Asks why ORS 814.080 relating to the solicitation of a ride would not be deleted.
- 190 Neely Answers that the statute has never been challenged.
- 207 Rep. Beyer Notes her work on the issue in 1996 as a Springfield City Councilor and notes her support for the bill.
- 219 Neely Cites a *Register-Guard* article about a police officer citing panhandlers.
- 225 Rep. Beyer Notes that the police officer in Eugene was spray-painting “No Soliciting” signs on the sidewalk.

231 Chair Gilman Closes the public hearing on HB 2223 and opens a work session on HB 2223.

**HB 2223 – WORK SESSION**

250 Rep. Thatcher **MOTION: Moves HB 2223 to the floor with a DO PASS recommendation.**

**VOTE: 7-0-0**

**AYE: In a roll call vote, all members present vote Aye.**

Chair Gilman **The motion CARRIES.**

**REP. BRUUN will lead discussion on the floor.**

260 Chair Gilman Closes the work session on HB 2223. Opens an informational meeting on the Road User Fee Pilot Program.

**ROAD USER FEE PILOT PROGRAM – INFORMATIONAL MEETING**

275 James Whitty Manager, Office of Innovative Partnerships and Alternative Funding, Oregon Department of Transportation (ODOT). Submits prepared testimony and PowerPoint presentation regarding the Road User Fee Pilot Program (**EXHIBIT Q**). Begins summarizing the PowerPoint presentation (**EXHIBIT Q, Pages 1-3**).

320 Whitty Summarizes “Fuel Taxes Comprise 68% of Oregon Road Revenue” (**EXHIBIT Q, Page 4**).

345 Whitty Summarizes the “Effect of New Technology Vehicles on Highway Fund Revenue” and the Conclusion (**EXHIBIT Q, Pages 5-6**).

365 Whitty Summarizes the solutions (**EXHIBIT Q, Page 7**).

386 Whitty Summarizes the policy requirements (**EXHIBIT Q, Page 8**).

404 Whitty Summarizes the collection possibilities (**EXHIBIT Q, Page 9**).

**TAPE 13, B**



011	Betsy Imholt	Alternative Funding Administrator, ODOT. Continues the summary of Oregon's Mileage Fee Concept and collection ( <b>EXHIBIT Q, Pages 10-13</b> ).
058	Rep. Burley	Asks if a service station point-of-sale system currently exists for the gas tax.
065	Imholt	Answers that paying at the gas pump is the point-of-sale system.
068	Rep. Burley	States that it is important to minimize the financial impact on businesses.
066	Chair Gilman	Asks what would happen if he goes to the gas station and only has \$5, but owes \$6.
070	Whitty	Explains that a display in the car would let the driver know how much it will cost.
075	Imholt	Shows and explains a sample gas receipt ( <b>EXHIBIT Q, Page 14</b> ).
085	Chair Gilman	Asks how the 1.2 cent per mile fee was determined.
090	Whitty	Explains that most vehicles in Oregon get 20 miles per gallon and the gas tax is 24 cents ( $24/20=1.2$ cents per mile). Notes that the pilot program rate is set at 1.2 cents per mile, but the actual rate if implemented would be determined by the legislature.
095	Imholt	Continues summarizing the presentation ( <b>EXHIBIT Q, Pages 15, 16</b> ).
132	Imholt	Summarizes the issue of privacy ( <b>EXHIBIT Q, Page 17</b> ).
151	Imholt	Summarizes the issues of cost and system integration ( <b>EXHIBIT Q, Pages 18, 19</b> ).
171	Imholt	Summarizes the public demonstration of mileage fee technology, policy requirements and remaining policy issues ( <b>EXHIBIT Q, Pages 20-22</b> ).
230	Imholt	

Summarizes Oregon's Pilot Program and concludes the presentation  
**(EXHIBIT Q, Pages 23, 24).**

- 236 Rep. Thatcher Asks where else the technology is being used.
- 240 Imholt Answers that the mileage fee is not being done anywhere else. Explains dedicated short range communication projects that involve similar technology.
- 255 Whitty States that General Motors is putting the global positioning system OnStar in all vehicles starting in 2007.
- 260 Rep. Thatcher Notes constituents' concerns about privacy and the importance of protecting it.
- 265 Whitty Explains the difference between OnStar and the technology used in the pilot program.
- 277 Rep. Boone Asks whose idea the program was.
- 282 Whitty Answers that the road user fee task force in the 2001 legislature directed an investigation into an alternative to the gas tax.
- 286 Rep. Boone Asks if it was initiated by Gov. Kitzhaber.
- 290 Whitty Answers that Gov. Kitzhaber proposed a vehicle miles traveled (VMT) tax around 1996, but it was not feasible at the time.
- 295 Rep. Hunt Comments that it is nice to be looking forward on an issue rather than dealing with the backlog of things that have not been done. Asks why more than one statewide zone is needed, if there are any savings from the program, and if other pilot programs are being considered.
- 310 Whitty Explains that inside Oregon would be one zone and outside of Oregon would be another zone. Notes that congestion pricing zones have been created and multiple zones would allow for local options. Says that savings have not yet been addressed. Says that the possibility of future pilot programs exist and may be important to developing a viable system.
- 355 Rep. Burley Asks how the federal gas tax is allocated to Oregon.

360 Whitty Answers that it is done on a budgetary basis that he is not familiar with. Notes that this system would not cover the federal gas tax. Points out that the federal government is supporting two-thirds of the project.

376 Rep. Burley Asks how the one-way satellite communication would know a vehicle is in or out of Oregon without transmitting back to the satellite and being tracked.

380 Whitty Answers that scientists could better address the technological issues.

420 Rep. Burley Asks for an explanation of a control for the program.

425 Imholt Explains that there will be control vehicles in the program that will pay the gas tax, not the satellite system.

432 Rep. Burley Asks if there will be stratification for different fuel classes.

440 Imholt Answers yes and says that it is being designed by Portland State University professors. Notes that she will provide the information to the committee. Invites committee to tour the facility at Oregon State University.

455 Rep. Thatcher Asks if vehicles would be charged if they were being towed or were on a trailer.

460 Whitty Answers that vehicles would have to be on to be charged.

463 Thatcher Asks if there is difference between county, city and private roads.

465 Whitty Answers that the project has not gotten to that level of detail.

474 Houser Asks if vehicles in the program would be required to pay the gas tax or could choose between the gas tax and the VMT program.

478 Whitty Answers that it is policy question that would have to be addressed by the legislature, but consumers would pay one or the other.

050	Houser	Asks how difficult it would be to estimate the revenue stream when transitioning from one technology to another.
055	Whitty	Answers that ODOT should be able to address the issue.
058	Chair Gilman	Closes the informational meeting. Adjourns the meeting at 2:54 p.m.

## **EXHIBIT SUMMARY**

- A. **HB 2109, prepared testimony, Troy Costales, 1 p**
- B. **HB 2109, prepared testimony, Christy Munson, 1 p**
- C. **HB 2109, prepared testimony, Scott Bricker, 1 p**
- D. **HB 2353, prepared testimony, Steven Johnson, 1 p**
- E. **HB 2353, prepared testimony, Gregg Dal Ponte, 2 pp**
- F. **HB 2353, prepared testimony, Lieutenant Gary Miller, 2 pp**
- G. **HB 2353, prepared testimony, Jon Oshel, 4 pp**
- H. **HB 2353, prepared testimony, B.J. Smith, 10 pp**
- I. **HB 2353, prepared testimony, Gregory Miller, 1 p**
- J. **HB 2353, prepared testimony, James Buisman, 2 pp**
- K. **HB 2353, prepared testimony, Michael Hill, 1 p**
- L. **HB 2106, prepared testimony, Robin Freeman, 2 pp**
- M. **HB 2114, prepared testimony, Robin Freeman, 2 pp**
- N. **HB 2114, -1 amendments, staff, 1 p**
- O. **HB 2114, prepared testimony, Monty King, 1 p**
- P. **HB 2223, prepared testimony, Kevin Neely, 2 pp**
- Q. **Road User Fee Pilot Program, Jim Whitty, 25 pp**