

HOUSE COMMITTEE ON TRANSPORTATION

May 6, 2005 Hearing Room C

1:00 P.M. Tapes 62 - 63

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: Patrick Brennan, Committee Administrator

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

HJM 35 – Public Hearing and Work Session

HB 2742 – Work Session

HB 2811 – Work Session

HB 3024 – Work Session

HB 3252 – Work Session

HB 3415 – Work Session

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
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TAPE 62, A

003	Chair Gilman	Calls the meeting to order at 1:12 p.m. Announces that HB 2018, HB 2108 and HB 3019 will not be heard at this time. Opens a public hearing on HJM 35.
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HJM 35 – PUBLIC HEARING

008	Patrick Brennan	Committee Administrator. Introduces HJM 35.
015	Tammy Dennee	Executive Director, Oregon Wheat Growers League. Submits and summarizes prepared testimony in support of HJM 35 and “Frequently Asked Questions About Farm Truck Safety in Oregon” handbook (EXHIBIT A).
121	Rep. Burley	Asks why the distance criteria for intrastate commerce should be set at 150 miles or less.
123	Dennee	Answers that it is the statutory language referenced by U.S. Department of Transportation (USDOT).
134	Rep. Beyer	Asks why more fairness was not sought regarding the criteria for interstate commerce.
142	Dennee	Explains the difficulty of addressing the “intrastate commerce” and “interstate commerce” language.
173	Rep. Burley	Asks for a clarification of the 150-mile criteria for interstate commerce. Cites language in HJM 35 and asks if the current regulations contain the exemption.
176	Dennee	Answers that there is an exemption for intrastate commerce and that the objective is to obtain an exemption for interstate commerce.
188	Rep. Burley	

Asks if the current federal regulations exemption specifically addresses interstate or intrastate commerce or if the 150-mile criteria is considered intrastate.

192	Dennee	Answers yes.
194	Rep. Burley	Clarifies the exemptions regarding an example of grain being taken to a grain elevator in Oregon being considered interstate commerce.
200	Dennee	Explains the work that was done with Congress regarding the exemptions and regulations.
212	Rep. Burley	Asks if it would be preferable to eliminate the 150-mile provision and classify farm vehicles operated within state lines as intrastate commerce, as other commodity haulers are regulated.
216	Dennee	Answers that she is unsure. Explains that the wheat growers would be pleased with increased freedom to move goods in the state as intrastate commerce, but wonders if the language would satisfy USDOT.
240	Chair Gilman	Asks if the 150-mile provision would address most of the wheat growers.
242	Dennee	Answers no, but states that there may be an issue with USDOT in seeking a re-definition of interstate and intrastate commerce.
250	Rep. Thatcher	States support for HJM 35.
252	Chair Gilman	References the legislation that addressed the issue during the 2003 Legislative Session.
255	Dennee	Explains that the intent of the bill is to provide relief to the wheat growers from undue bureaucracy while operating vehicles safely.
285	Rep. Boone	Asks if Oregon's congressional delegation has been helpful in addressing the issue.
289	Dennee	Explains the coordination with Sen. Gordon Smith and Sen. Ron Wyden to write a letter to the Federal Commerce Committee to address the exemptions. Reiterates the intent of the bill.

335	Don Schellenberg	Associate Director of Governmental Affairs, Oregon Farm Bureau (OFB). Submits and summarizes prepared testimony in support of HJM 35 (EXHIBIT B).
382	Rep. Boone	Argues for fairness among the states with the definitions of interstate and intrastate commerce.
400	Rep. Burley	Asks about the application of the exemption and how widespread the interpretation of interstate and intrastate commerce is.
405	Bob Russell	President, Oregon Trucking Association. Explains the history of the Interstate Commerce Commission (ICC) and its effect on the issue.

TAPE 63, A

014	Rep. Burley	Asks if log trucks would face the same problem facing interstate and intrastate commerce.
018	Russell	Answers yes.
023	Rep. Burley	Wonders if the scope of the issue is larger than is being addressed by the bill. Asks about federal legislation that deals with the issue.
029	Russell	Explains the exemption for the transportation of agricultural commodities contained in the federal legislation.
037	Dennee	Notes that the exemption contained in the federal legislation refers to hours of service.
041	Rep. Burley	Asks for clarification that the exemption does not include other requirements of interstate commerce.
044	Dennee	Answers yes.
046	Chair Gilman	Closes the public hearing and opens a work session on HJM 35.

HJM 35 – WORK SESSION

050	Rep. Hunt
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MOTION: Moves HJM 35 be sent to the floor with a BE ADOPTED recommendation.

VOTE: 7-0-0

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

Chair Gilman The motion CARRIES.

REP. THATCHER will lead discussion on the floor.

057 Chair Gilman Closes the work session on HJM 35. Opens a work session on HB 2742.

HB 2742 – WORK SESSION

060 Patrick Brennan Committee Administrator. Introduces HB 2742 and -1 amendments **(EXHIBIT C)**. Explains that the committee received approval to rescind the subsequent referral to the Ways and Means Committee.

075 Rep. Burley Describes the work done on the -1 amendments with Troy Costales, Administrator of the Transportation Safety Division, Oregon Department of Transportation (ODOT) and Scott Bricker of the Bicycle Transportation Alliance & Willamette Pedestrian Coalition.

090 Rep. Burley **MOTION: Moves to ADOPT HB 2742-1 amendments dated 4/28/05.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

094 Rep. Burley **MOTION: Moves HB 2742 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the Committee on Ways and Means BE RESCINDED.**

VOTE: 7-0-0

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

Chair Gilman The motion CARRIES.

REP. BURLEY will lead discussion on the floor.

108 Chair Gilman Closes the work session on HB 2742. Opens a work session on
HB 2811.

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HB 2811 – WORK SESSION

110 Patrick Brennan Committee Administrator. Introduces HB 2811 and -8 amendments
(EXHIBIT D).

125 Rep. Bruun **MOTION: Moves to ADOPT HB 2811-8 amendments dated
5/3/05.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

130 Rep. Bruun **MOTION: Moves HB 2811 to the floor with a DO PASS AS
AMENDED 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.

138 Chair Gilman Closes the work session on HB 2811. Opens a work session on
HB 3024.

HB 3024 – WORK SESSION

144 Patrick Brennan Committee Administrator. Introduces HB 3024 and -1 amendments
(EXHIBIT E). Explains that the bill did not receive a public hearing
in the committee. States that the committee received approval to

rescind the subsequent referral to the Revenue Committee and to refer the bill to the Budget Committee.

162 Mike Marsh Deputy Director, Oregon Department of Transportation. Submits and summarizes prepared testimony regarding HB 3024 **(EXHIBIT F)**.

215 Rep. Burley **MOTION: Moves to ADOPT HB 3024-1 amendments dated 5/4/05.**

VOTE: 7-0-0

Chair Gilman **Hearing no objection, declares the motion CARRIED.**

222 Rep. Burley **MOTION: Moves HB 3024 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the Committee on Revenue BE RESCINDED and BE REFERRED to the Committee on Budget.**

VOTE: 7-0-0

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

Chair Gilman **The motion CARRIES.**

245 Chair Gilman Closes the work session on HB 3024. Opens a work session on HB 3252.

HB 3252 – WORK SESSION

248 Patrick Brennan Committee Administrator. Introduces HB 3252 and -1 amendments **(EXHIBIT G)**.

263 Chair Gilman Explains that the intent of the bill is to maintain the 10 miles per hour (mph) speed differential for trucks if the speed limit is raised to 70 mph.

273 Rep. Hunt Asks if input from safety officials has been received about the effect on safety from the changes contained in the amendments.

280	Chair Gilman	Answers that he has not received input. States that there is conflicting information about the effectiveness of a speed differential.
288	Rep. Hunt	Solicits comment from the Oregon Department of Transportation (ODOT).
293	Troy Costales	Transportation Safety Division Manager, ODOT. Reports that there are different studies that reach different conclusions about the effectiveness of a speed differential.
312	Rep. Hunt	Asks what the likely speed differential would be if the bill was passed.
320	Costales	Answers that the speed differential provision of the bill would only apply when the passenger vehicle speed limit is 70 mph.
336	Rep. Burley	Explains that the -1 amendments give ODOT the flexibility to change the speed differential when appropriate.
340	Costales	Concurs.
345	Chair Gilman	Explains a memo indicating that that if a 10 mph differential was available when the ODOT traffic study was done, the speed limit for passenger vehicles may have been set at 70 mph.
363	Rep. Thatcher	Argues that raising the speed limit to 70 mph will not change driving habits.
372	Chair Gilman	Concurs.
385	Rep. Thatcher	<p>MOTION: Moves to ADOPT HB 3252-1 amendments dated 5/2/05.</p> <p>VOTE: 7-0-0</p>
	Chair Gilman	Hearing no objection, declares the motion CARRIED.
390	Rep. Thatcher	<p>MOTION: Moves HB 3252 to the floor with a DO PASS AS AMENDED recommendation.</p>

- 395 Rep. Boone States that she will vote no and argues that people will drive faster than the speed limit even if it is raised.
- 405 Rep. Hunt States that he will support the bill in committee, but is undecided on his support for the bill.

TAPE 62, B

- 007 Rep. Bruun States that he shares the concerns of Rep. Boone and Rep. Hunt. Notes that ODOT has the ability but not the mandate to change speed limits.
- 018 Rep. Beyer Notes her concerns with the bill and states that she is unsure if she will support the bill .
- 023 Chair Gilman States that the intent is to give ODOT the ability to set speed limits at appropriate levels to maintain safety.

VOTE: 6-1-0

AYE: 6 - Beyer, Bruun, Burley, Hunt, Thatcher, Gilman

NAY: 1 - Boone

Chair Gilman The motion CARRIES.

- 042 Chair Gilman Closes the work session on HB 3252. Opens a work session on HB 3415.

HB 3415 – WORK SESSION

- 045 Patrick Brennan Committee Administrator. Introduces HB 3415 and -4 amendments **(EXHIBIT H)**, -2 amendments **(EXHIBIT I)** and -5 amendments **(EXHIBIT J)**.
- 067 Rep. Hunt Addresses the amendments and points out that they represent various policy decisions. States that his preference is for the bill without amendments.
- 130 Rep. Thatcher Expresses support for the -5 amendments.

138	Rep. Boone	Expresses support for the -5 amendments. Asks if highways not designated as freight routes are a lower priority for modernization funds.
163	Joan Plank	Oregon Department of Transportation (ODOT). Explains freight route designations and modernization funding priorities.
183	Rep. Boone	Asks for a clarification of the -5 amendments.
185	Plank	Clarifies the effect of the amendments and freight route designations.
191	Rep. Hunt	MOTION: Moves to ADOPT HB 3415-5 amendments dated 5/6/05.
195	Rep. Beyer	States her opposition to the bill.
213	Rep. Hunt	Explains that if funding had been allocated for projects of statewide significance in the 2003 Legislative Session, the projects would be closer to completion. Argues that taking action presently will benefit the projects.
		VOTE: 7-0-0
	Chair Gilman	Hearing no objection, declares the motion CARRIED.
242	Rep. Hunt	Asks for a clarification of the process regarding HB 3415.
244	Brennan	Explains that the bill has a subsequent referral to the Ways and Means Committee.
266	Chair Gilman	Recesses the meeting at 2:25 p.m. Reconvenes the meeting at 2:33 p.m.
270	Rep. Hunt	MOTION: Moves HB 3415 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the Committee on Ways and Means BE RESCINDED.
277	Rep. Beyer	Reiterates her opposition to the bill due to the uncertainty of funding for projects.

VOTE: 6-1-0

AYE: 6 - Boone, Bruun, Burley, Hunt, Thatcher, Gilman

NAY: 1 - Beyer

Chair Gilman The motion CARRIES.

REP. HUNT will lead discussion on the floor.

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

Arthur J. Schlack Policy Manager, Association of Oregon Counties. Submits prepared testimony in support of HB 3415 (**EXHIBIT K**).

300 Chair Gilman Closes the work session on HB 3415. Adjourns the meeting at 2:35 p.m.

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EXHIBIT SUMMARY

- A. HJM 35, prepared testimony and information, Tammy Dennee, 37 pp
- B. HJM 35, prepared testimony, Don Schellenberg, 1 p
- C. HB 2742, -1 amendments, staff, 2 pp
- D. HB 2811, -8 amendments, staff, 1 p
- E. HB 3024, -1 amendments, staff, 3 pp
- F. HB 3024, prepared testimony, Mike Marsh, 2 pp
- G. HB 3252, -1 amendments, staff, 6 pp
- H. HB 3415, -4 amendments, staff, 1 p
- I. HB 3415, -2 amendments, staff, 1 p
- J. HB 3415, -5 amendments, staff, 1 p
- K. HB 3415, prepared testimony, Arthur Schlack, 1 p