

SENATE COMMITTEE ON TRANSPORTATION

January 26, 2005
3:00 P.M.

Hearing Room C
Tapes 5 - 8

MEMBERS PRESENT: **Sen. Joanne Verger, Chair**
 Sen. Doug Whitsett, Vice-Chair
 Sen. Rick Metsger
 Sen. Floyd Prozanski
 Sen. Bruce Starr

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURES/ISSUES HEARD & WITNESSES:

SB 153 – Public Hearing

Sen. Ryan Deckert, District 14
Mark Landauer, City of Portland
Mark Lear, City of Portland
Sgt. Bill Walker, City of Portland
Mike Staropoli, Attorney
Sen. Charlie Ringo, District 17
Dean Meisner, Beaverton Police Dept.
Ron Norris, City of Medford, Oregon Association of Chiefs of Police
Dick Cross, Beaverton
Linda Adlard, Chief of Staff, City of Beaverton
Cathy Stanton, Beaverton City Councilor
Catherine Arnold, Beaverton City Councilor
Dennis Doyle, Beaverton City Councilor

Informational Meeting

Oregon Rail System Overview
 Roger Martin, Union Pacific Railroad
 John Gray, Union Pacific Railroad
Oregon Shortline Railroad Association Presentation
 Ken Armstrong, Oregon Shortline Railroad Association
 Larry Phipps, Portland & Western Railroad; Oregon Short Line Railroad Association

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 5, A		
005	Chair Verger	Calls meeting to order at 3:05 p.m. Opens public hearing on SB 153.
<u>SB 153 – PUBLIC HEARING</u>		
010	Sen. Ryan Deckert	District 14. Testifies in opposition to SB 153. Submits written testimony (EXHIBIT A). Explains this is a local control issue and the state should not involve itself.
030	Chair Verger	Closes public hearing on SB 153. Opens informational meeting on Oregon rail system.
<u>INFORMATIONAL MEETING</u>		

Oregon Rail System Overview

040	Roger Martin	Representing Union Pacific Railroad. Presents overview of Oregon rail system. Introduces John Gray, from Omaha, Nebraska. Discusses activities of Oregon Railroad Users League.
060	John Gray	Executive Director, Interline Marketing, Union Pacific Railroad. Provides further overview of railroads in the Pacific Northwest. Submits written slides (EXHIBIT B). Provides background for the Union Pacific Railroad.
120	Gray	Continues and discusses Union Pacific Railroad activities in the Northwest.
160	Gray	Continues and describes the business profile of the railroad system in Oregon and Pacific Northwest: <ul style="list-style-type: none">• Carload freight origin/destination region• Inbound bulk/export movements
255	Chair Verger	Asks what soda ash is used for.
260	Gray	Responds it is used in making glass. Continues describing business profile: <ul style="list-style-type: none">• International containers• Domestic consumer goods
335	Chair Verger	Asks if the switching yard in Eugene belongs to Union Pacific.
340	Gray	Confirms. Continues discussing facilities in Oregon and Washington.
375	Gray	Continues and explains role of Oregon Shortline rail service: <ul style="list-style-type: none">• Improve service to local industry• Keep costs under control• Demands on shortlines which require network upgrades
TAPE 6, A 006	Gray	Continues and discusses important Oregon rail issues: <ul style="list-style-type: none">• Efficient operation of the Portland terminal• Rail corridors through urban areas to minimize impact between rail traffic and road traffic• Funding of state rail passenger initiatives to avoid disruption of freight services• Infrastructure improvements for shortlines serving local communities Summarizes and concludes.
120	Chair Verger	Asks whether infrastructure is capable of moving more product.
125	Gray	Explains it depends where the product is transported. Discusses limitations on capacity of terminals.
135	Sen. Whitsett	Asks about costs comparison between truck and rail shipping for a 25-ton load.
140	Gray	Responds that if 100-110 tons of product can fit on a rail car, that is five times as large as a truck. Explains it is easier to load and unload trains.
155	Sen. Whitsett	Asks about Lakeview Shortline.
165	Gray	Discusses rail traffic on the Modoc line to California and in south central Oregon. Expects expansion is possible.
180	Sen. Starr	Asks about Union Pacific congestion issues in moving freight in

		California.
185	Gray	Discusses addition of employees and locomotives to increase capacity.
195	Sen. Starr	Asks what capital expenditure he would recommend for Oregon.
200	Gray	Responds this year the company will expend \$40 million to upgrade lines in Oregon.
210	Chair Verger	Closes segment. Opens segment on Oregon Shortline Railroads.
<u>Oregon Shortline Railroad Association</u>		
220	Ken Armstrong	Representing Oregon Short Line Railroad Association. Introduces Larry Phipps.
230	Larry Phipps	President, Portland & Western Railroad; Chair Oregon Short Line Railroad Association. Presents overview of Oregon Short Line Railroads. Presents slides (EXHIBIT C). Describes service and capacity of various short lines.
300	Phipps	Continues and discusses increase in short line mileage in the past fifteen years. Discusses increase in short line revenue from 1993 to 2003. Describes capacity. Explains how public funds can be leveraged with additional private investments.
370	Phipps	Concludes and offers to answer questions.
375	Chair Verger	Closes informational meeting. Reopens public hearing on SB 153.

SB 153 – PUBLIC HEARING

380	Judith Callens	Committee Administrator. Presents overview of SB 153.
405	Sen. Metsger	District 26. Presents additional background on SB 153. Discusses photo red light and photo radar laws. Explains operation of certificate of innocence program, which City of Beaverton was not conducting. Refers to response from Legislative Counsel and letters submitted to the City of Beaverton. Refers to Oregonian articles by Jerry Boone, showing the city's practice was continuing. Asserts that the city was exceeding many aspects of the law. Advises the measure is a response to the city's actions. Discusses two requirements in SB 153: <ul style="list-style-type: none"> • Articulate their process to see if it is the same • Establishes a sunset which the jurisdictions must cooperate to remove

TAPE 5, B

005	Sen. Metsger	Continues overview of SB 153.
040	Chair Verger	Comments she supports the program. Describes her background as a former mayor and her interest in the issue.
065	Mark Landauer	Office of Government Relations, City of Portland. Introduces Mark Lear, Portland Office of Transportation.
075	Mark Lear	Traffic Investigations Manager, City of Portland. Discusses the city's approach to traffic enforcement, including automated enforcement. Submits written testimony (EXHIBIT D). Describes activities of photo-radar vans. Discusses community support of the program. Asks for the legislature not to sunset the program.
150	Sen. Metsger	Asks whether the city has run its program outside the city limits.
160	Sgt. Bill Walker	Portland Police Dept. Responds no.
162	Sen. Metsger	Asks whether the city has operated only the number of cameras allowed by law.
165	Walker	Replies the city operates only what is allowed.

167	Sen. Metsger	Asks whether tickets are dismissed if a person satisfies the requirements for a certificate of innocence.
170	Walker	Confirms.
175	Sen. Metsger	Comments that the city of Portland can operate their program within the requirements of the law, and asks how they would advise another jurisdiction that operated outside the law.
177	Walker	Recommends the city consult its attorney.
180	Mike Staropoli	Portland attorney, Beaverton resident. Testifies and calls attention to city of Beaverton photo radar and photo red light activities. Submits written material (EXHIBIT E). Refers to Kolisch case, submitted with EXHIBIT E . Describes Beaverton's inappropriate enforcement. Refers to city emails in which an engineer suggests the city is not in compliance with state law. Encourages the legislature to take action in allowing the enforcers to enforce the law.
290	Sen. Charlie Ringo	District 17. Testifies in support of the use of photo red light radar to increase safety in the community. Acknowledges there were ambiguities in the interpretation of the law. Suggests the courts should interpret. Urges that the program be continued and concerns be addressed.
350	Lt. Dean Meisner	Beaverton Police. Testifies in support of the photo radar and photo red light enforcement program.
TAPE 6, B		
010	Meisner	Continues and discusses photo enforcement officer checklist. Offers to provide information to the committee.
040	Chair Verger	Discusses interpretation of the statute differently by cities.
045	Sen. Prozanski	Agrees enforcement is important. Asks whether, if the city is out of compliance, it should come into compliance.
060	Meisner	Agrees.
065	Sen. Prozanski	Asks about discussions at the city level about implementation of the law.
070	Meisner	Discusses evolution of the program and the development of the city's enforcement policies.
100	Sen. Prozanski	Comments that a uniform program is needed throughout the state and asks what parameters and guidance he has received from the city.
115	Meisner	Explains police department operating procedures.
145	Sen. Prozanski	Asks for specific documentation of directives the officers receive from supervisors.
150	Meisner	Offers to return information to the committee.
155	Ron Norris	City of Medford, retired deputy chief; Oregon Association of Chiefs of Police (OACP). Explains Medford implemented the program by the book and has not received any complaints. Asserts that the process works and is fair. Discusses examples. Points out the sunset will hurt the city because the cost of the equipment must be recouped over a long period of time.
215	Sen. Metsger	Asks if it is fair to say the city has support because it is operated within the bounds of the law.
230	Norris	Describes the city's pre-implementation media and education efforts.
235	Sen. Metsger	Asks if the city would respond to complaints.
240	Norris	Responds certainly.
245	Sen. Prozanski	Asks if the legislature should develop uniform rules instead of leaving room for interpretation.

250	Norris	Offers to work with the legislators to eliminate ambiguity in the statute.
265	Dick Cross	Beaverton. Testifies in favor of SB 153. Asks for the end of the program before 2008. Testifies in opposition to photo red light in particular. Discusses case law. Suggests there is a conflict of interest because the city receives revenue for enforcing the law. Discusses his experience receiving citations for photo red light. Submits written material (EXHIBITS F, G) .
390	Cross	Continues and discusses needs of cities for continued use of the program. Summarizes and concludes.
TAPE 7, A		
005	Sen. Starr	Discusses adjustment last session adding requirement that the city must set yellow light times to a certain standard. Asks for evidence that the City of Beaverton has set its yellow lights shorter.
020	Cross	Suggests improvement in high-tech enforcement leads to the problem that data is based on too much detail with no subjective standards.
060	Linda Adlard	Chief of Staff, City of Beaverton. Submits written materials (EXHIBIT H) . Responds to the specific concerns raised: <ul style="list-style-type: none"> • Ownership of a certain street where photo radar was used • Placement of warning signs • Qualifications of officers who operate the program • Number of violations recorded • Timing of yellow lights according to state standards • Explains the city developed the program first in the state without the assistance of other jurisdictions or the legislature • Responding to the citation and the certificate of innocence
170	Sen. Metsger	Summarizes and offers to answer questions. Discussed the language of the law. Suggests the city's interpretation of the statutory requirements is creative. Quotes specific language requiring dismissal under certain circumstances. Asks why other jurisdictions can operate within the law but Beaverton cannot.
220	Adlard	Responds and discusses certificate of innocence. Asserts the program is about safety and the city is operating under legislative direction. Offers to change if the legislature so directs. Discusses the larger issue of safety.
250	Sen. Metsger	Disagrees with her comment that without the opportunity to identify another driver the program will not work. Refers to the programs operated by other jurisdictions. Points out that Beaverton is the only jurisdiction that interprets the law the way it does. Comments on vendors and need for quotas to support the program.
270	Adlard	Discusses contracts with vendors and cost of the technology. Asserts the need for the tool to increase safety.
290	Sen. Metsger	Comments on cost for an officer to attend court to uphold the citations. Discusses specific examples.
330	Adlard	Explains the judges review the process for approving the certificate of innocence.

365	Sen. Starr	Asks about her comment that legislators required the city to reissue tickets. Asks for legislative history.
390	Adlard	Offers to return information to the committee.
415	Chair Verger	Calls Beaverton city councilors.
TAPE 8, A		
005	Cathy Stanton	Beaverton City Councilor. Explains the council's responsibility to the city to set policy and oversee the budget. Discusses three of the city's eight goals: <ul style="list-style-type: none"> 1. Preserve and enhance a sense of community 4. Provide responsive cost-effective services to the community 5. Assure a safe and healthy community Asserts that Beaverton citizens support the program and the city is safer because of the program. Responds to specific charges leveled against the city. Reminds that anyone who has been cited was actually speeding or had run a red light. Asks for the program to be allowed to continue.
085	Catherine Arnold	Beaverton City Councilor. Shares citizen perspective. Asks to be allowed to solve the problems locally.
115	Dennis Doyle	Beaverton City Councilor. Discusses examples of changed behavior of drivers which increases safety. Asks to be allowed to resolve issues at the city level.
170	Chair Verger	Asks whether the city will respond if it is found to be operating outside the parameters of the statute.
190	Stanton	Replies they will respond if the issue is brought to the council. Reminds the council does not oversee all city departments.
205	Doyle	Offers to work for change as needed. Predicts the mayor and his staff will respond. Points out none of the drivers say they weren't speeding.
225	Arnold	Dismisses the idea of adjusting yellow light change times. Recalls conversations with neighbors supporting the program. Assumes the city attorney provides competent advice. Urges review of intent.
270	Sen. Metsger	Suggests there would not be an issue if Beaverton were doing things the same as the other participating cities. Comments that if the public supports the program there would not be so much coverage of citizens who complain about the process. Refers to his offer to make modifications if needed, which was declined by the mayor.
325	Stanton	Reminds that she has worked on transportation issues for many years and this is important to all citizens.
340	Doyle	Summarizes and concludes.
The following material is submitted for the record without public testimony for SB 153:		
	Louis Gomez	Submits written testimony (EXHIBIT I).
	Rep. Jeff Barker	Submits written testimony (EXHIBIT J).
	Robert Tardiff	Submits written testimony (EXHIBIT K).
	Troy Costales	Submits written testimony (EXHIBIT L).
	Christy Monson	Submits written testimony (EXHIBIT M).
	Walt Myers	Submits written testimony (EXHIBIT N).
350	Chair Verger	Closes public hearing on SB 153. Adjourns the committee at 5:52 p.m.

EXHIBIT SUMMARY

- A. SB 153, written testimony, Sen. Ryan Deckert, 1 p**
- B. Railroads, slide presentation Union Pacific Railroad, John Gray, 5 pp**
- C. Railroads, slide presentation Oregon Short Line Railroads, Larry Phipps, 8 pp**
- D. SB 153, written testimony, Mark Lear, 2 pp**
- E. SB 153, written materials, Mike Staropoli, 43 pp**
- F. SB 153, written materials, Richard Cross, 4 pp**
- G. SB 153, report Printed Citations, Richard Cross, 9 pp**
- H. SB 153, written materials, Linda Adlard, 13 pp**
- I. SB 153, written materials, Louis Gomez, 1 p**
- J. SB 153, written materials, Rep. Jeff Barker, 1 p**
- K. SB 153, written materials, Robert Tardiff, 2 pp**
- L. SB 153, written materials, Troy Costales, 2 pp**
- M. SB 153, written materials, Christy Monson, 1 p**
- N. SB 153, written materials, Walt Myers, 1 p**