

SENATE COMMITTEE ON TRANSPORTATION

March 02, 2005
3:10 P.M.

Hearing Room C
Tapes 27 - 29

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
Gary Roulier, Committee Assistant

MEASURES/ISSUES HEARD:

SB 842 – Public Hearing
Metropolitan Planning Organizations – Informational Meeting
SB 595 – Public Hearing
SB 373 – Public Hearing and Work Session
SB 685 – Public Hearing

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 27, A		
003	Chair Verger	Opens the meeting at 3:14 p.m. and opens a public hearing on SB 842.
SB 842 – PUBLIC HEARING		
004	Chair Verger	Recesses the meeting at 3:15 p.m.
005	Chair Verger	Reconvenes the meeting at 3:18 p.m.
008	Judith Callens	Administrator. Explains the provisions of the bill.
011	Sen. Ryan Deckert	Senate District 14. Presents written testimony (EXHIBIT A) and testifies in support of SB 842.
061	Sen. Ben Westlund	Senate District 27. Testifies in opposition to SB 842. Notes that in some parts of the state, studded tires are a necessity for safety.
107	Sen. Ted Ferrioli	Senate District 30. Testifies in opposition to SB 842. States that this issue has been visited in previous legislative sessions.
163	Sen. Ferrioli	Adds that this bill will be referred to Ways and Means.
183	John Jackley	Executive Officer, Highway Division, Oregon Department of Transportation (ODOT). Presents written testimony (EXHIBIT B) and a report entitled "Studded Tire Use in Oregon" (EXHIBIT C) and testifies that ODOT is neutral on SB 842.
213	Chair Verger	Asks if he agrees with the estimate of \$11 million of annual damage to the roads.
215	Jackley	Agrees that is probably a good estimate of the damage.
217	Chair Verger	Notes that this bill would provide additional revenue to the state highway fund.
220	Jackley	Reviews how the funds would be collected and disbursed.
224	Sen. Whitsett	Asks if there has been a recent study on the damage caused by

		studded tires.
228	Jackley	Responds that a study was conducted in 2000.
233	Sen. Metsger	Reviews a Washington state study that demonstrates that stopping distances on dry pavement is greater when studded tires are installed.
253	Jackley	Notes that he does not have that particular data but will provide it to the committee.
259	Sen. Metsger	Points out that several states have banned studded tires.
268	Jackley	Responds that he will provide that information to the committee as well.
275	Mark Nelson	Les Schwab Tire Centers. Presents written testimony (EXHIBIT D) and a report entitled "Socio-Economic Effects of Studded Tire Use on Alaska" (EXHIBIT E) and testifies in opposition to SB 842.
336	Nelson	Reviews a study that examined studded tire use in Alaska.
377	Nelson	Observes that some people are not physically able to install chains on their vehicles.
TAPE 28, A		
005	Nelson	Notes that we must consider the total costs, i.e., accidents and increased insurance rates, and not just the cost of the damage to roads. Adds that this is also a fairness issue.
027	Sen. Whitsett	Asks about the traction differences between snow tires and studded tires on packed or wet snow and ice.
040	Nelson	Answers by reviewing the unique climate of eastern Oregon, specifically that the snow melts during the day and then freezes during the night.
051	Sen. Metsger	Discusses the prices of studded tires with the witness. Adds that the bill's intent is to act as a disincentive and the proposed fee should not be a hardship to users of studded tires.
088	Nelson	Restates his belief that the additional fee would mean some people would not use the studded tires.
097	Rep. Terry Beyer	House District 12. Testifies in support of SB 842. Reviews an examination of this issue during the interim.
141	Rep. Beyer	Continues a summary of past efforts on this issue and reviews ODOT estimates of damage to roads due to studded tires.
175	Rep. Beyer	States that people drive faster in bad conditions with studded tires.
183	Sen. Metsger	Thanks Rep. Beyer for her work during the interim.
189	Rep. Dave Hunt	House District 40. Testifies in support of SB 842.
227	Sen. Prozanski	Asks if there was a discussion during the interim on a ban in specified areas of the state.
244	Rep. Beyer	Reviews discussions but notes that no consensus was reached.
271	Sen. Whitsett	Reviews the type of road conditions at higher elevations.
298	Rep. Beyer	Restates that this bill would not take away anyone's choice to utilize studded tires.
305	Rep. Hunt	Notes that those drivers causing the most damage to the roads do not live in the areas of higher elevation.
319	Sen. Whitsett	Asks why a fee should be assessed to those who really need the tires.
325	Rep. Rosenbaum	Emphasizes that the fee would be assessed on anyone purchasing studded tires.
351	Glen Stonebrink	Oregon Cattlemen's Association. Testifies in opposition to SB 842.
405	Stonebrink	States that this fee would be a discrimination against those who

live in the eastern portion of the state.

TAPE 27, B

011 Stonebrink Discusses safety issues.
033 Chair Verger Closes the public hearing and opens an informational meeting on the Metropolitan Planning Organizations.

METROPOLITAN PLANNING ORGANIZATIONS – INFORMATIONAL MEETING

039 Betty Griffiths Councilor, City of Covallis. Presents a PowerPoint presentation **(EXHIBIT F)** and an information packet consisting of a roster of Metropolitan Planning Organizations (MPO) and resolutions related to transportation **(EXHIBIT G)**.
098 Michael Quilty Councilman, City of Central Point. Continues an explanation of the multi-modal concerns of the MPO and their federal requirements.
152 Dan Clem Councilor, City of Salem. Continues a discussion of the MPO strategies related to multi-modal programs.
197 Rex Burkholder Councilor, Metro. Reviews the twenty-year regional transportation plans of the MPOs.
247 Burkholder Reviews the bottlenecks situated within the Portland area.
287 Chair Verger Closes the informational meeting and opens a public hearing on SB 595.

SB 595 – PUBLIC HEARING

293 Callens Reviews the provisions of the bill.
314 Sen. Betsy Johnson Senate District 16. Testifies in support of SB 595.
363 Mark Gibson Timberland Logging. Presents written testimony **(EXHIBIT H)** and testifies in support of SB 595.

TAPE 28, B

003 Gibson Reviews how refueling operations are conducted when helicopters respond to a forest fire.
038 Chair Verger Asks if the fuel truck drivers work for the helicopter company.
041 Gibson Responds with an explanation of how refueling operations are carried out in fire fighting operations.
059 Sen. Whitsett Asks how the reduction of the availability of fixed wing fire fighting aircraft has affected their operations.
059 Gibson Comments on the availability of federal air tankers and how those operations differ from helicopter fire fighting operations.
081 Sen. Whitsett Relates an experience fighting fires where the fuel truck was caught in the fire.
089 Sen. Johnson Stresses the importance of the right combination of assets to fight fires.
108 Chair Verger Closes the public hearing on SB 595.
114 Sen. Metsger Asks if heavy trucks are allowed to use studded tires.
120 Bob Russell President, Oregon Trucking Association. Responds that heavy trucks are not allowed to use studded tires.
125 Chair Verger Opens a public hearing on SB 373.

SB 373 – PUBLIC HEARING

132 Callens Explains the provisions of SB 373, and presents the -3 amendments **(EXHIBIT I)**.
167 Tricia Smith Oregon School Employees Association. Testifies in support of SB 373 and the intent of the -3 amendments.
213 John Stubenvoll Communications Director, Oregon Liquor Control Commission (OLCC). Testifies in support of SB 373 and notes that the type of OLCC employees covered is narrowly defined.
249 Sen. Metsger Asks if OLCC has done any analysis of how many employees would be protected under this measure.

253	Stubenvoll	Responds that he has spoken to individual staff members that have been threatened.
269	Chair Verger	Closes the public hearing and opens a work session on SB 373.
<u>SB 373 – WORK SESSION</u>		
287	Sen. Prozanski	MOTION: Moves to AMEND SB 373 on page 2, in line 32, after "district attorney," insert "as defined in ORS 131.005 ".
		VOTE: 4-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - B. Starr
		The motion CARRIES.
327	Chair Verger Sen. Whitsett	MOTION: Moves to ADOPT SB 373-3 amendments dated 2/28/05.
		VOTE: 4-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - B. Starr
		The motion CARRIES.
351	Chair Verger Sen. Whitsett	MOTION: Moves SB 373 to the floor with a DO PASS AS AMENDED recommendation.
360	Sen. Prozanski	Declares a possible conflict of interest as he is a district attorney and therefore affected by the provisions of the bill.
365		VOTE: 4-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - B. Starr
		The motion CARRIES.
		SEN. PROZANSKI will lead discussion on the floor.
371	Chair Verger	Closes the work session and opens a public hearing on SB 685.
<u>SB 685 – PUBLIC HEARING</u>		
375	Callens	Explains the provisions of the bill.
385	Ken McDermott	Legislative Assistant for Sen. Charles Starr. Testifies in support of SB 685.
TAPE 29, A		
002	McDermott	Continues with an explanation of the intent of the bill.
013	Jackley	Presents an information packet containing written testimony and a report entitled "U-Turn Feasibility Study Report" (EXHIBIT J) and testifies in support of SB 685.
040	Chair Verger	Asks about the differences between being "able" to make a U-turn rather than "prohibitions" against U-turns.
043	Jackley	Explains the differences.
050	Sen. Prozanski	Summarizes the existing law and the suggested changes.
065	Chair Verger	Asks why the estimated costs are so high.
069	Jackley	Responds with an explanation of the inspections of intersections and other analysis by traffic personnel that would be necessary.
080	Chair Verger	Comments that any change seems to have a high cost attached.
089	Jackley	Reviews some of the safety concerns at intersections.
098	McDermott	Explains the original intent of the bill.
109	Chair Verger	Asks for the cost of the study.
112	Jackley	Answers that he does not have the figures but will provide the information to the committee.
115	Chair Verger	Closes the public hearing on SB 685 and reopens a work session on SB 373.

SB 373 – WORK SESSION

123	Callens	Presents the -2 amendments (EXHIBIT K) and explains that they contain the language Sen. Prozanski suggested as his conceptual amendment.
125	Sen. Whitsett	MOTION: Moves to ADOPT SB 373-2 amendments dated 2/14/05. VOTE: 4-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - B. Starr The motion CARRIES.
135	Chair Verger Sen. Whitsett	MOTION: Moves to ADOPT SB 373-3 amendments dated 2/28/05. VOTE: 4-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - B. Starr The motion CARRIES.
140	Chair Verger Sen. Whitsett	MOTION: Moves SB 373 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - B. Starr The motion CARRIES.
153	Chair Verger Chair Verger	Closes the work session and adjourns the meeting at 5:15 p.m.

EXHIBIT SUMMARY

- A. SB 842, written testimony, Sen. Ryan Deckert, 1 p
- B. SB 842, written testimony, John Jackley, 1 p
- C. SB 842, report, John Jackley, 19 pp
- D. SB 842, written testimony, Mark Nelson, 2 pp
- E. SB 842, report, Mark Nelson, 19 pp
- F. Metropolitan Planning Organizations, PowerPoint, Betty Griffiths, 4 pp
- G. Metropolitan Planning Organizations, information packet, Betty Griffiths, 21 pp
- H. SB 595, written testimony, Mark Gibson, 3 pp
- I. SB 373, -3 amendments, staff, 1 p
- J. SB 685, information packet, John Jackley, 24 pp
- K. SB 373, -2 amendments, staff, 1 p