

SENATE COMMITTEE ON TRANSPORTATION

March 30, 2005
3:10 P.M.

Hearing Room C
Tapes 40 – 41

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**
 James Goulding, Committee Assistant

MEASURES/ISSUES HEARD:
 SB 77 – Public Hearing
 SB 894 – 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 40, A		
003	Sen. Whitsett	Calls the committee to order at 3:20 p.m. Opens a public hearing on SB 77. Remarks he will be chairing the committee until Sen. Verger's arrival.
<u>SB 77 – PUBLIC HEARING</u>		
013	Judith Callens	Committee Administrator. Describes the provisions of SB 77. Observes that copies of the proposed -1 amendment are before the committee members (EXHIBIT A).
027	John Jackley	Highway Division, Oregon Department of Transportation (ODOT). Testifies in favor of SB 77. Mentions the money saving implications of the measure.
047	Dennis Wiegall	Right of Way Section, ODOT. Testifies in favor of SB 77. Offers additional description of the measure and its function.
077	Wiegall	Describes that this measure would in no way endanger the value of property. Remarks that this is a better use of taxpayer dollars.
090	Sen. Whitsett	Asks if it would eliminate the need for the Uniform Standards of Professional Appraisal Practice (USPAP) to be applied in these particular cases.
095	Wiegall	Replies that it would not fall under the governance of USPAP standards.
110	Sen. Whitsett	Solicits their thoughts on the application of USPAP guidelines.
115	Wiegall	Observes that the standards would not apply in this scenario.
127	Sen. Prozanski	Considers the workload for ODOT being contracted out to other agencies. Asks what would happen to the staff.
131	Wiegall	Discusses the use of staff on other projects.
159	Lawrence Ofner	Appraiser. Presents a letter in opposition to SB 77 (EXHIBIT B).

190	Ofner	Explains his concerns with SB 77.
230	Ofner	Feels the measure is unnecessary.
260	Ofner	Describes the uniform act not being intended for appraisers.
267	Brian Glanville	Appraiser. Testifies in opposition to SB 77. Mentions the drafting of the appraisal laws.
295	Glanville	Mentions that property owners do not have the same options as appraisers.
325	Roxanne Gillespie	Appraiser. Testifies in opposition to SB 77. Relays her involvement with the creation of the original law. Voices her feelings that sufficient laws are already in place.
370	Sen. Whitsett	Considers a scenario where an appraiser would be prohibited from appraising a property. Asks who else could perform the appraisal in that situation.
375	Ofner	Replies that agency staff and attorneys could offer opinions.
383	Sen. Whitsett	Requests an approximation of the cost for a “non-appraisal” as opposed to a USPAP appraisal.
387	Ofner	Feels the cost would not be much different.
TAPE 41, A		
005	Glanville	Mentions they can design a scope of work that is less than the full appraisal process.
013	Sen. Prozanski	Asks Ms. Gillespie to cite the section that defines who can perform that work.
015	Gillespie	Notes the section.
020	John Brown	Licensed Fee Appraiser, Eugene, Oregon. Testifies in support of SB 77. Offers a different perspective on the process of appraising property. Notes the cost of appraising a property
050	Brown	Relates some professional experiences where this change would have been helpful.
070	Sen. Prozanski	Wonders if there is concern to prevent awkward bidding situations over these small “non-appraisal” situations.
085	Brown	Replies that he doesn’t see this as a problem with the industry, just a better way to provide service to the consumer.
105	Jon Oshel	Association of Oregon Counties. Testifies in favor of SB 77. Discusses the need for a change to the existing laws to allow hiring of qualified appraisers.
136	Bob Keith	Administrator, Oregon Appraiser and Certification Licensure Board (ACLB). Discusses the ACLB’s support of the concept. Notes their conditions for approval of the bill. States they are neutral on the bill as drafted.
150	Chair Verger	Closes public hearing on SB 77. Opens a public hearing on SB 894.

SB 894 – PUBLIC HEARING

170	Bob Russell	President, Oregon Trucking Associations (OTA). Testifies in favor of SB 894. Clarifies and explains the -1 (EXHIBIT C), -2 (EXHIBIT D), and -4 amendments (EXHIBIT E) before the committee.
215	Sen. Prozanski	Requests clarification regarding his comments on the -2 amendments.
220	Russell	Clarifies his comments.
230	Sen. Betsy Johnson	Senate District 16. Discusses resolving the initial confusion over the classification of a “freight route”.
243	Rep. Phil Barnhart	House District 11. Talks about the ongoing discussion and interest in this issue.
273	Rep. Barnhart	Expresses his opinions on the various amendments.

310	Rep. Barnhart	Relates concerns over control of the process being shifted to the legislature.
320	Chair Verger	Clarifies which freight route he was talking about.
323	Rep. Barnhart	Thanks the chair for the clarification.
337	Russell	Describes the meaning of a “freight route”. Provides a historical overview of the highway system established under President Eisenhower.
375	Russell	Talks about the process of designating a freight route and what occurs when that designation is made.
405	Russell	Details an exclusion in the statute.
TAPE 40, B		
005	Russell	Feels the -2 amendments solve the “hole in the air” problem. Notes the implications of the -4 amendments.
017	Sen. Johnson	Offers that she wants to make sure that what one amendment gives, another doesn’t take away.
027	Rep. Barnhart	States that the -2 amendments are making a significant change to the statute. Relates additional concerns.
051	Sen. Whitsett	Comments on the highway concerns of constituents in Prineville.
057	Russell	References a map handed out at the previous meeting showing the state and federal freight routes.
077	Sen. Prozanski	Comments on a change in the -4s about adding in a “freight route”.
087	Russell	Remarks on the change.
090	Sen. Whitsett	Questions other areas of the highway system being removed from the freight route system.
095	Russell	Notes he has not heard of any plans.
100	Sen. Whitsett	Asks if the potential is there for requests for exclusions.
102	Russell	Discusses the misconceptions of what a “freight route” entails.
115	Rodger Bennett	Florence City Manager. Submits written testimony in favor of including Highway 101 south of Florence as a “freight route” (EXHIBIT F).
183	Randy Tucker	Legislative Affairs Manager, Metro. Presents a letter on the potential impact of SB 894 (EXHIBIT G).
230	Chair Verger	Explains that she will have to leave the committee at this time.
240	Tucker	Continues discussing his concerns with SB 894.
270	Tucker	Expresses his hope that his concerns will be addressed.
280	Sen. B. Starr	Asks if he has had any input from Hillsboro, Cornelius, or Forest Grove.
290	Tucker	Replies that he has not heard any specific criticism.
293	Sen. B. Starr	Voices that he has heard no objections from constituents. Talks about the letter Mr. Tucker received.
307	Tucker	Makes additional comments.
315	Sen. Whitsett	Remarks that they will not take action on the other bills before them today.
337	Anthony Bieda	Intergovernmental Relations, Lane County. Testifies in favor of SB 894.
353	Chris Smith	Citizen Representative, Transportation Policy Alternatives Committee (TPAC). Testifies in opposition to SB 894 (EXHIBIT H).
405	Smith	Elaborates on his concerns.
TAPE 41, B		
019	Bricker	Bicycle Transportation Alliance. Present written testimony on his concerns with the measure (EXHIBIT I). Discusses his concerns over the wording of the legislation.

040	Sen. B. Starr	Feels the amendments to the bill take care of the concerns he is raising.
048	Bricker	Replies in regards to his understanding of the -2 and -4 amendments.
050	Sen. B. Starr	Asks if the bottom line is defining the so called “hole in the air” portion of the measure.
055	Bricker	States that is one of his primary concerns.
073	Leonard Goodwin	Assistant Public Works Director, City of Springfield. Expresses concern for freight mobility. Feel this measure has unintended consequences.
130	Goodwin	Expands upon the anticipated expansion of traffic.
143	Sen. Whitsett	Clarifies the point Mr. Goodwin is making.
145	Goodwin	Summarizes his concerns with this bill.
170	Christopher Henry	Transportation Planning Engineer, City of Eugene. Presents written testimony in opposition to SB 894. (EXHIBIT J)
200	Henry	Explains the problems he perceives with the -2 amendments.
215	Sen. Prozanski	Considers the definition of “vehicle capacity”.
220	Henry	Defines “vehicle capacity”. Notes it is not easily measured.
233	Sen. Prozanski	Offers if there is a concept that defines the capability for movement of cargo vehicles.
245	Henry	Replies that indirectly it may be defined.
257	John Jackley	Department of Transportation, Highway Division. Submits written testimony (EXHIBIT K) . Notes the reasons this bill is before them today.
295	Jackley	Relates vehicle size and clearance calculations.
330	Jackley	Discusses the design of structures to accommodate freight vehicles.
370	Jackley	Points out there is a prominent roll for Oregon Transportation Commission in SB 894.
383	Sen. Prozanski	Clarifies Mr. Jackley’s statements that previous legislation used terms that are not currently defined.
393	Jackley	Concurs.
397	Sen. Prozanski	Wonders if Mr. Jackley can point out the previous legislation that is now in statute.
400	Jackley	Replies he will find out and report back to him.
The following material is submitted for the record without public testimony:		
	Sen. Bill Morrisette	Senate District 6. Submits written testimony on SB 894 (EXHIBIT L) .
405	Sen. Whitsett	Closes the public hearing on SB 894. Adjourns the committee at 5:07 p.m.

EXHIBIT SUMMARY

- A. SB 77, -1 amendments, staff, 1 p
- B. SB 77, Written testimony, Lawrence Ofner, 4 pp
- C. SB 894, -1 amendments, staff, 1 p
- D. SB 894, -2 amendments, staff, 1 p
- E. SB 894, -4 amendments, staff, 1 p
- F. SB 894, Written testimony, Rodger Bennett, 1 p
- G. SB 894, Written testimony, Randy Tucker, 2 pp
- H. SB 894, Written testimony, Chris Smith, 1 p

- I. **SB 894, Written testimony, Scott Bricker, 2 pp**
- J. **SB 894, Written testimony, Christopher Henry, 1 p**
- K. **SB 894, Written testimony, John Jackley, 1 p**
- L. **SB 894, Written testimony, Sen. Bill Morrisette, 1 p**