

## SENATE COMMITTEE ON TRANSPORTATION

March 7, 2005  
3:10 P.M.

Hearing Room C  
Tapes 30 - 31

**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:**  
                                  **SB 595 – Work Session**  
                                  **SB 859 – Public Hearing and Work Session**  
                                  **SB 566 – Public Hearing**  
                                  **SB 894 – Public Hearing**  
                                  **HB 2223 – Public Hearing**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 30, A</b>		
005	Chair Verger	Calls meeting to order at 3:14 p.m. Opens work session on SB 595.
<b><u>SB 595 – WORK SESSION</u></b>		
010	Sen. Whitsett	<b>MOTION: Moves to ADOPT SB 595-1 amendments dated 2/28/05 (EXHIBIT A).</b>
015		<b>VOTE: 5-0-0</b> <b>AYE:       In a roll call vote, all members present vote Aye.</b> <b>The motion CARRIES.</b>
020	Chair Verger Sen. Whitsett	<b>MOTION: Moves SB 595 to the floor with a DO PASS AS AMENDED recommendation.</b>
025		<b>VOTE: 5-0-0</b> <b>AYE:       In a roll call vote, all members present vote Aye.</b> <b>The motion CARRIES.</b>
	Chair Verger	<b>SEN. JOHNSON will lead discussion on the floor.</b>
030	Chair Verger	Closes work session on SB 595. Opens public hearing on SB 859.
<b><u>SB 859 – PUBLIC HEARING</u></b>		
035	Judith Callens	Committee Administrator. Presents overview of SB 859.
040	Gary Bauer	NW Natural. Testifies in support of SB 859. Discusses issuing permits for work on public highways and the pending sunset.
060	Chair Verger	Closes public hearing and opens work session on SB 859.
<b><u>SB 859 – WORK SESSION</u></b>		
065	Sen. Whitsett	<b>MOTION: Moves SB 859 to the floor with a DO PASS recommendation.</b>
070		<b>VOTE: 5-0-0</b> <b>AYE:       In a roll call vote, all members present vote Aye.</b>

**Chair Verger**

**The motion CARRIES.**

**SEN. VERGER will lead discussion on the floor.**

075 Chair Verger Closes work session on SB 859. Opens public hearing on SB 566.

**SB 566 – PUBLIC HEARING**

085 Don Bishoff Sen. Morrisette’s (District 6) office. Testifies in support of SB 566. Submits written testimony of Sen. Morrisette (**EXHIBIT B**). Advises there are amendments coming to replace the entire measure and which prevent Oregon Department of Transportation (ODOT) from designating the McKenzie Highway a freight route. Discusses local opposition to the designation in the McKenzie Valley.

155 Whitsett Asks about alternative route on Tombstone Pass.

160 Bishoff Defers.

165 Sen. Prozanski Describes the highway routes.

170 Bishoff Discusses direct routes between cities.

185 Sen. Whitsett Asks about floodgate effect of changing the designation of the McKenzie Highway.

190 Bishoff Discusses designations of other highways.

200 Sen. Metsger Refers to possible amendments. Comments in his district there is support for a scenic highway designation as a freight route. Wants to limit this application to the McKenzie.

225 Sen. Betsy Johnson District 16. Testifies as neutral. Believes there are issues to be resolved between freight passage and tourism. Expresses concern of small coastal communities with freight designation.

265 Lylla Gaebel Clatsop County Commissioner; Chair, Northwest Oregon Area Commission on Transportation (ACT). Testifies in opposition to SB 566 in Tillamook and Clatsop Counties. Urges choosing freight routes carefully. Explains Highway 101 is an All-American highway and Scenic Byway, and is a key attraction of tourism to the coast. Discusses importance of tourism to the coastal communities and fear that tourism would be reduced if the coastal highway is designated a freight route. Would welcome bringing rail up to standards to allow movement of freight along the coast.

360 Rep. Deborah Boone District 32. Discusses disagreements among commissioners about highway designations.

390 John Jackley Highway Division, ODOT. Testifies as neutral on SB 566. Submits written testimony (**EXHIBIT C**) to address the bill as originally written. Expresses no objection to the -1 amendments of Sen. Morrisette.

410 Chair Verger Asks why there are freight route designations.

415 Jackley Discusses major implications of state freight route designations. Describes what a designation does and does not do.

**TAPE 31, A**

020 Jackley Continues and discusses funding priorities for highways.

045 Chair Verger Refers to Oregonian article changing the designation.

050 Jackley Reiterates he does not object to Sen. Morrisette’s bill.

055 Sen. Bruce Starr Asks if objecting to a freight route designation means reduced funding for highway projects.

060 Jackley Describes edge for funding if the highway is designated a freight route.

065 Sen. Metsger Asks about conflicts between a scenic byway and a freight route.

070 Jackley Advises there are no conflicts. Discusses tourism and marketing

090 Chair Verger along scenic byways. Asks whether having a scenic highway designation affects federal funding to a highway then designated a freight route.

095 Jackley Responds it does. Explains most of Highway 101 is both a scenic byway and a state freight route with both state and federally-funded construction projects.

100 Chair Verger Asks if freight route designation means more truck traffic.

105 Jackley Replies the designation of any highway makes no difference to the volume of truck traffic along that route. Explains capacity is the difference. Discusses economic projections:

- 72 percent of Oregon freight moves by truck, and the number is growing
- Finite highway system with no plans to add highways
- Policy question where freight capacity will be preserved

125 Sen. Whitsett Asks who determines content of a management plan, who improves a plan, and sanctions if the plan is not approved by ODOT.

135 Jackley Discusses checks and balances in Oregon Highway Plan. Describes planning requirements over a twenty-year period for the freight route designation.

155 Sen. Whitsett Asks about sanctions if improvements are not built.

160 Jackley Explains the main one is that the designation is not allowed and work is not permitted.

165 Sen. Whitsett Asks about how comprehensive the plan is.

170 Jackley Replies it depends on the amount of work proposed. Offers to return information to the committee.

175 Jim Baker Blue River Community Development Corp. Testifies in support of SB 566. Submits written testimony (**EXHIBIT D**). Discusses economic challenges to his community. Compares long-haul freight truck traffic to logging truck traffic.

220 Sen. Prozanski Describes Mr. Baker's involvement in local affairs. Asks how many attended the public meeting in Walterville.

225 Baker Estimates 300.

230 Shirley Latimer Testifies in support of SB 566. Explains she started the whole movement. Discusses increases in traffic along the McKenzie highway. Refers to the number of roads and driveways branching off the highway.

330 Sen. Prozanski Thanks her for her involvement. Comments on the large public turnout.

335 Latimer Describes all of the interested parties who support the restriction of the highway.

340 Bob Russell President, Oregon Trucking Association (OTA). Testifies in support of SB 566. Submits written testimony (**EXHIBIT E**). Discusses preferable truck routes.

400 Scott Bricker Oregon Bicycle Transportation Alliance. Testifies in support of SB 566. Expresses concerns whether the bill opens floodgates for other communities to ask for designations. As a planner, wants planning to be done on a more comprehensive basis.

**TAPE 30, B**

010 Chair Verger Closes public hearing on SB 566. Opens public hearing on SB 894.

**SB 894 – PUBLIC HEARING**

015	Judith Callens	Committee Administrator. Presents overview of SB 894.
020	Lylla Gaebel	Clatsop County Commissioner; Chair, Northwest Oregon Area Commission on Transportation (ACT). Testifies in opposition to SB 894. Discusses public comments on the State Transportation Plan. Opposes designation of Highway 101 in Clatsop and Tillamook counties as freight route. Discusses importance of tourism to the area's economic development. Expresses concern over anything that will keep tourists away from the communities. Recommends expanding rail capacity along Highway 101.
070	Chair Verger	Refers to Section 3, under which a local government may apply for an exemption.
080	Gaebel	Responds she would rather avoid designation than ask for exemption.
090	Charles Tannenbaum	Retired physician living along Hwy 126. Testifies in opposition to SB 894. Suggests it does not take into consideration characteristics of local roads or local preferences. Describes the country through which the McKenzie River flows and along which the highway runs. Explains the staff recommendation to ODOT was to advise the agency that the McKenzie Highway be removed from consideration as a freight route.
135	Jane Maxwell	Vita, Oregon. Lives on the McKenzie River. Member of SMASH (Scenic McKenzie Association for Safe Highways). Testifies in opposition to SB 894 and in support of SB 566 as amended. Discusses the noise made by the truck traffic along the river. Expresses concern over the possibility of a bad accident resulting in hazardous waste spill or injury.
170	Chair Verger	Asks whether she would support SB 894 if SB 566 passes.
175	Sen. Prozanski	Discusses the interaction between SB 566, proposed SB 566 amendments, and SB 894.
185	Chair Verger	Discusses and compares measures.
190	Bob Russell	Oregon Trucking Association (OTA). Testifies in support of SB 894. Submits written testimony ( <b>EXHIBIT F</b> ). Discusses prohibition, exemptions available, and appeal process for exceptions to the statutory requirements. Discusses aspects of the national highway system and state highway freight system. Supports a multi-modal transportation system but points out the last mile of the system is often transport by truck. Links Oregon economy with the health of the trucking industry.
290	Bob Russell	Continues and urges protection of highway capacity for both truck and automobile traffic. Discusses meaning of capacity. Discusses proposed amendments contained in his written testimony: <ul style="list-style-type: none"> <li>• Replace term "freight route" with "national highway system"</li> <li>• Changes in mobility standards for highways</li> </ul>
		Asks for time to resolve some issues.
<b>TAPE 31, B</b>		
015	Sen. Prozanski	Asks what criteria the federal level uses to designate a national highway system highway.
020	Russell	Explains the state designates the routes but the Federal Highway Administration approves the designation.

025	Sen. Prozanski	Asks about process for public access to recommendations by interest groups who communicate with ODOT.
040	Russell	Defers to ODOT.
045	Sen. Prozanski	Clarifies he wants to protect vehicle-carrying capacity by restricting some physical development which would slow or restrict truck traffic.
050	Sen. Prozanski	Asks for additional information from ODOT.
The following prepared testimony is submitted for the record without public testimony for SB 894:		
	Sidney Leiken	Submits written testimony ( <b>EXHIBIT G</b> )
	Kelly Scannell Brooks	Submits written testimony ( <b>EXHIBIT H</b> )
055	Chair Verger	Closes public hearing on SB 894. Opens public hearing on HB 2223.
<b><u>HB 2223 – PUBLIC HEARING</u></b>		
070	Kevin Neely	Executive Assistant to Attorney General Hardy Myers, Department of Justice. Testifies in support of HB 2223. Submits written testimony ( <b>EXHIBIT I</b> ). Discusses the anti-panhandling statute which was declared unconstitutional but is still on the books and is sometimes cited by law enforcement agencies.
090	Sen. B. Starr	Asks how to put something back into the statutes.
095	Neely	Responds a constitutional amendment may be needed.
105	Sen. Metsger	Asks about requiring panhandlers to carry liability insurance.
125	Neely	Offers to return information to the committee.
135	Chair Verger	Closes public hearing on HB 2223. Adjourns the committee at 4:48 p.m.

### **EXHIBIT SUMMARY**

- A. SB 595, -1 amendments (2-28-05), staff, 1 p**
- B. SB 566, written testimony of Sen. Bill Morrisette, Don Bishoff, 2 pp**
- C. SB 566, written testimony, John Jackley, 2 pp**
- D. SB 566, written testimony, Jim Baker, 1 p**
- E. SB 566, written testimony, Bob Russell, 1 p**
- F. SB 894, written testimony, Bob Russell, 6 pp**
- G. SB 894, written testimony, Sidney Leiken, 3 pp**
- H. SB 894, written testimony, Kelly Scannell Brooks, 2 pp**
- I. HB 2223, written testimony, Kevin Neely, 1 p**