

SENATE COMMITTEE ON TRANSPORTATION

April 13, 2005
3:10 PM

Hearing Room C
Tapes 50 – 51

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

MEMBER EXCUSED: Sen. Bruce Starr

STAFF PRESENT: Judith Callens, Committee Administrator
James Goulding, Committee Assistant

MEASURES/ISSUES HEARD:

SB 1027 – Public Hearing
HB 2106 A – Public Hearing
HB 2422 A – Public Hearing
HB 2223 – 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
TAPE 50, A		
003	Chair Verger	Calls the meeting to order at 3:16 p.m. Opens a public hearing on SB 1027.
<u>SB 1027 – PUBLIC HEARING</u>		
010	Sen. Vicki Walker	Represents Senate District 7. Testifies in favor of SB 1027 on behalf of the Lyons family, constituents who lost their daughter to a truck driver who could not see her. Advocates the use of forward cross view mirrors for large motor trucks.
045	Richard Lane	Attorney representing the Lyons family. Submits an informational packet (EXHIBIT A) in favor of SB 1027. Discusses the photos and requests contained within the packet submitted.
080	Brandi Lyons	Resident, Eugene, Oregon. Testifies in favor of SB 1027. Relates the grief over the loss of her daughter after she was struck by a United Parcel Service (UPS) delivery truck. States that it is too bad that it takes a tragedy to cause a change.
097	Chris Lyons	Resident, Eugene, Oregon. Testifies in favor of SB 1027. Discusses the dangers that could be reduced by requiring additional safety features for motor vehicles.
107	Chair Verger	Asks if there was some agreement reached with UPS to add visibility to their trucks.
113	Lane	Replies the case was resolved without a mechanical solution made to the UPS delivery trucks. Discusses the administrative changes that resulted.

127	Sen. Metsger	Wonders if the case went to trial.
129	Lane	States they were preparing to go to trial.
133	Sen. Metsger	Asks if he has done any research to see if this is a widespread problem.
135	Lane	Discusses that his investigation revealed that this has happened before, even though UPS denies it.
139	Sen. Metsger	Considers the implication that UPS was aware of the problem but had taken no substantial action to correct it.
157	Lane	Relays the research done by the United States Postal Service (USPS) that determined their delivery vehicles required safety mirrors.
163	Sen. Metsger	Apologizes that he has to leave to testify in another committee. Thanks the Lyons family for their testimony.
170	Sen. Prozanski	Reiterates that it usually takes a tragedy to cause a change.
183	Chair Verger	States it is difficult to recover from a tragedy such as this.
197	Doug Jordan	Detective, crash reconstruction program, City of Eugene Police Department. Testifies in favor of SB 1027. Discusses his training in and experience with traffic crash reconstructions.
245	Chair Verger	Remarks that providing his background and certifications is helpful.
252	Jordan	Details the particulars of the accident that killed the Lyons family's daughter.
285	Jordan	Relates the crash investigation demonstrating the delivery truck's blind spot.
330	Jordan	Concludes that with a cross view mirror, the accident would have been prevented. Offers the details of a similar incident involving a school bus before they were equipped with additional safety mirrors.
360	Sen. Prozanski	Compliments Mr. Jordan on his work.
375	Lawrence Wobrock	Lawyer, Portland, Oregon. Provides additional facts about the accident. Notes that he is under a strict confidentiality order in the case. States that the evidence they have has come from their own independent investigation, not UPS documents.
 TAPE 51, A		
005	Wobrock	Notes that this law would affect all delivery companies. Details the proposed safety equipment and how it would function on a delivery vehicle. States this information is included in the previous informational packet.
035	Wobrock	Demonstrates the different types of safety mirrors. Advocates the passage of SB 1027 to prevent further tragedies.
053	Chair Verger	Observes the absence of representatives of the delivery companies.
060	Sen. Walker	States she has not been approached in regards to opposition to this legislation. Relates that even with the tragedy, UPS has not made the change on their own. Offers it often takes a tragedy and legislative action to make it happen.
097	Sen. Prozanski	Asks about statute in reference to sanctions.
105	Jordan	Feels it is a small penalty, but offers that he will support it if it increases compliance with the law.
115	Sen. Prozanski	Wonders what the cost involved would be.
120	Worbrock	Notes the prices for the additional safety mirror.
130	Chair Verger	Closes public hearing on SB 1027. Opens a public hearing on HB 2106 A.

135	Judith Callens	Committee Administrator. Explains the provisions of HB 2106 A.
145	Robin Freeman	Oregon Department of Transportation (ODOT). Testifies in favor of HB 2106 A. Presents written testimony (EXHIBIT B).
180	Sen. Whitsett	Wonders what criteria ODOT requires for verification of identity before issuing a replacement license.
185	Freeman	Clarifies the replacement procedure.
197	Sen. Whitsett	Closes public hearing on HB 2106 A. Opens a public hearing on HB 2422 A.

HB 2422 A – PUBLIC HEARING

204	Judith Callens	Committee Administrator. Introduces HB 2422 A.
210	Shawn Miller	Oregon Independent Auto Dealers Association (OIADA). Testifies in favor of HB 2422 A. Submits written testimony (EXHIBIT C).
247	Jose Pinomesa	First Vice-President, OIADA. Testifies in favor of HB 2422 A.
267	Darrell Fuller	Representing OIADA. Testifies in favor of HB 2422 A.
297	Sen. Whitsett	Closes public hearing on HB 2422 A. Considers that the committee does not have the amendments to HB 2223 yet. Opens a work session on HB 2223.

HB 2223 – WORK SESSION

319	Kevin Neely	Executive Assistant to Attorney General Hardy Myers, Department of Justice. Discusses the measure and the amendments that are currently being drafted by Legislative Counsel.
347	Sen. Whitsett	Asks if liability insurance is available for panhandlers.
353	Neely	Replies he doesn't have an answer.
357	Sen. Prozanski	Observes the insurance requirement for firefighters must come through ODOT. Wonders about possible issues involved. Discusses regulation issues with panhandlers.
383	Neely	Offers he will pass the concerns on. Reiterates the desire to limit litigation.
393	Sen. Metsger	Feels it is possible to work out a solution.
407	Neely	Adds that there is a division in terms of the constitutionality of it. Mentions possibility of a prohibition on road side solicitation within certain distances from a controlled intersection.

TAPE 50, B

005	Neely	Discusses proposals to regulate where panhandlers can safely position themselves on the road side.
017	Sen. Whitsett	Closes the work session on HB 2223. Adjourns the committee at 4:11 p.m.

EXHIBIT SUMMARY

- A. **SB 1027, informational packet, Richard Lane, 16 pp**
- B. **SB 2106, written testimony, Robin Freeman, 2 pp**
- C. **SB 2422, written testimony, Shawn Miller, 1 p**