

SENATE COMMITTEE ON TRANSPORTATION

April 4, 2005
3:10 PM

Hearing Room C
Tapes 46 - 47

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

MEMBER EXCUSED: Sen. Joanne Verger, Chair

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

MEASURES/ISSUES HEARD:

SB 70 – Work Session
SB 998 – Public Hearing and Work Session
SB 1007 – 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.

TAPE/#	Speaker	Comments
TAPE 46, A		
003	Sen. Whitsett	Calls the committee to order at 3:17 p.m. Opens a work session on SB 70.
<u>SB 70 – WORK SESSION</u>		
010	Judith Callens	Committee Administrator. Explains the provisions of the measure.
020	Sen. B. Starr	MOTION: Moves SB 70 to the floor with a DO PASS recommendation.
023		VOTE: 4-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Verger
	Sen. Whitsett	The motion CARRIES.
		SEN. PROZANSKI will lead discussion on the floor.
025	Sen. Whitsett	Closes work session on SB 70. Opens a public hearing on SB 998.
<u>SB 998 – PUBLIC HEARING</u>		
027	Callens	Offers an overview of the measure. Observes there are proposed -1 amendments (EXHIBIT A) to the measure.
045	Darrell Fuller	Oregon Auto Dealers Association (OADA). Presents his written testimony in favor of SB 998 with the -1 amendments (EXHIBIT B).
063	Daniel Fuller	Student, Englewood Elementary School in Salem. Reads his written testimony in favor of SB 998 to the committee (EXHIBIT C).
072	Sen. Metsger	Jokes if Daniel Fuller is a registered lobbyist yet.
074	Daniel Fuller	Replies.
077	Sen. Prozanski	Wonder what size trucks Daniel Fuller gets to play with.

079 Daniel Fuller
081 Sen. Prozanski
085 Sen. Whitsett

Responds that he only gets to play with remote control cars.
Commends Daniel Fuller on his testimony.
Closes the public hearing on SB 998. Opens a work session on SB 998.

SB 998 – WORK SESSION

090 Sen. Prozanski

MOTION: Moves to ADOPT SB 998-1 amendments dated 3/30/05.

095

VOTE: 4-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 – Verger

The motion CARRIES.

100 Sen. Whitsett
Sen. Prozanski

MOTION: Moves SB 998 to the floor with a DO PASS AS AMENDED recommendation.

104

VOTE: 4-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 – Verger

The motion CARRIES.

SEN. B. STARR will lead discussion on the floor.

110 Sen. Whitsett

Closes work session on SB 998. Opens a public hearing on SB 1007.

SB 1007 – PUBLIC HEARING

112 Callens
130 Lynn Lehrbach

Explains the provisions of the measure.

Joint Counsel of Teamsters No. 37. Presents his written testimony in favor of SB 1007 (**EXHIBIT D**).

190 Lehrbach

Talks about the color coded tagging system to indicate chassis condition.

250 Lehrbach

Discusses the lack of inspection of chassis when they leave the container terminal

300 Lehrbach

Relates the workings of the proposed legislation in increasing enforcement of proper chassis inspection.

340 Lehrbach

States that if the federal laws won't address this situation, the state of Oregon should.

360 Sen. Whitsett

Asks who owns the chassis.

361 Lehrbach

Replies that the shipping lines own them.

363 Sen. Whitsett

Questions how they would enforce this, when a chassis comes in from another state.

375 Lehrbach

Defers the question to Mr. Zander.

387 Scott Zander

International Longshore & Warehouse Union, Local 8. Replies. Observes that they receive chassis from all over.

397 Michael Gardner

Portland Longshoreman. Presents the written testimony of Leal Sundet (**EXHIBIT E**) who could not attend the committee.

TAPE 47, A

005 Gardner
035 Gardner
040 Sen. Metsger

Continues to present testimony in favor of SB 1007.

Details the proposed inspection process changes.

055 Lehrbach

Points out an alternative approach would be to make chassis owners more responsible by enforcing a strict penalty on them.

069 Sen. Metsger

Offers previous attempts to address this problem from that angle.

Relates that businesses would not take a chance if there was the threat of a significant financial penalty.

085 Lehrbach

Feels the port is not at fault, but that they are not being adequately reimbursed for inspections.

087 Sen. Metsger

Considers that increased liability would make the port more inclined to address this problem.

095	Scott Zander	Presents his written testimony in favor of SB 1007 (EXHIBIT F).
125	Zander	Relates the problems with drivers being able to take any chassis that is available, regardless of their condition.
150	Kevin Clark	International Longshore and Warehouse Union, Local 40. Presents written testimony to the committee in favor of SB 1007 (EXHIBIT G).
200	Rick Christensen	International Longshore and Warehouse Union, Local 40. Testifies in support of SB 1007. Discusses inspection process and wonders how some chassis pass. Feels this is an essential public safety issue.
225	Sen. Metsger	References Mr. Clark's written testimony. Wonders why the Port of Portland objects to the inspections.
230	Clark	Replies he doesn't know why the port objects.
243	Sen. Metsger	Notes he would like to hear from the port on this issue.
245	Sen. Prozanski	Questions the process of tightening down the brakes on a chassis.
250	Christensen	Outlines the process.
265	Sen. Prozanski	Notes his unfamiliarity with the chassis brake system.
267	Christensen	Provides additional details on how the brakes can be adjusted.
275	Pat Egan	Port of Portland. Presents summary of federal legislation HR 3, which has passed the U.S. House of Representatives, that addresses chassis rule-making (EXHIBIT H). Testifies in opposition to SB 1007. Discusses the problem with the proposed legislation, and advocates the authority should remain with the federal government.
320	Egan	Voices concern that the measure would almost exclusively apply to the Port of Portland and a few other Oregon ports.
355	Egan	Observes shortcomings with SB 1007. Feels inspection law must apply to all sectors of interstate commerce and not just one sector.
380	Ken Armstrong	Oregon Ports Group. Testifies against SB 1007 and echoes Mr. Egan's comments. Discusses his concerns that state regulations would interfere with federal regulations.
397	Robin Freeman	Oregon Department of Transportation (ODOT). Presents the written testimony of Gregg Dal Ponte (EXHIBIT I), who was unable to attend.
TAPE 46, B		
005	Freeman	Testifies in regards to her concerns with a specific problem within the proposed statute changes. Points out the chassis owners are shippers and not motor carriers.
030	Sen. Metsger	Expresses his concern that there is little safety consideration in their testimony. Feels that their testimony does not acknowledge the existence of the problem.
045	Egan	Offers they care a great deal about safety. Talks about the number of inspections performed at the Port of Portland. Reiterates the need for uniform standards, to prevent other ports from gaining an advantage.
063	Sen. Metsger	Asks Mr. Egan to comment on Mr. Clark's statement that they were asked to stop their inspection service.
067	Egan	Replies he does not know specifically but will get that information back to him.
071	Sen. B. Starr	Questions who would bear the financial liability for an accident.
080	Egan	Considers it would be a case by case basis. Assumes the owner of the chassis would carry the majority of the liability.

090	Sen. B. Starr	Feels there needs to be someone who carries the responsibility.
100	Sen. Prozanski	Notes that it would create a lawsuit situation. Wonders that if the federal government doesn't move forward on HR 3, Oregon should take some action.
119	Egan	Describes the liability situation with SB 1007, and advocates the need for a federal standard.
137	Sen. Prozanski	States his surprise that they can't suspend the licenses on some of the trucks. Assumes ODOT can cite vehicles for safety violations.
145	Freeman	Replies he is correct. Notes ODOT has the ability to issue safety citations.
150	Sen. Whitsett	Considers the scope of this problem. Wonders how often problems occur.
153	Freeman	Replies she does not know, but will provide that information to him.
160	Sen. Whitsett	Asks Mr. Egan for a comparison of current inspection practices with those that are proposed in SB 1007.
162	Egan	Observes that the primary difference would be adding a mandatory brake inspection to the usual visual inspection. Relates he does not know the estimated cost from additional inspections proposed under SB 1007.
185	Sen. Whitsett	Requests that Mr. Egan submit additional information. Closes public hearing on SB 1007. Adjourns committee at 4:26 p.m.

EXHIBIT SUMMARY

- A. **SB 998, -1 amendments, staff, 10 pp**
- B. **SB 998, Written testimony, Darrell Fuller, 1 p**
- C. **SB 998, Written testimony, Daniel Fuller, 1 p**
- D. **SB 1007, Written testimony, Lynn Lehrbach, 6 pp**
- E. **SB 1007, Written testimony of Leal Sundet, Michael Gardner, 6 pp**
- F. **SB 1007, Written testimony, Scott Zander, 3 pp**
- G. **SB 1007, Written testimony, Kevin Clark, 5 pp**
- H. **SB 1007, H.R. 3 Summary, Pat Egan, 2 pp**
- I. **SB 1007, Written testimony of Gregg Dal Ponte, Robin Freeman, 2 pp**