

# HOUSE COMMITTEE ON TRANSPORTATION

April 09, 2003 Hearing Room 357

8:30 AM Tapes 75 - 77

**MEMBERS PRESENT:** Rep. Alan Brown, Chair  
Rep. Elizabeth Beyer, Vice-Chair  
Rep. John Mabrey Vice-Chair  
Rep. Jackie Dingfelder  
Rep. George Gilman  
Rep. Mitch Greenlick  
Rep. Cliff Zauner

**STAFF PRESENT:** Janet Adkins, Administrator  
Ryan Sherlock, Assistant

**MEASURE/ISSUES HEARD:** HB 2041 – Public Hearing  
HB 2042 – Public Hearing  
HB 2367 – Public Hearing  
HB 2464 – Public Hearing  
HB 2578 – Public Hearing  
HB 2668 – Public Hearing  
HB 2947 – Public Hearing  
HB 2954 – Public Hearing  
HB 3135 – Public Hearing  
HB 3187 – Public Hearing  
HB 3445 – Public Hearing  
HB 3566 – Public Hearing  
HJR 25 – Public Hearing  
HB 2999 – Work Session  
HB 2686 – Public Hearing  
Informational meeting – Road User Fee Task Force  
HB 3253 – Public Hearing  
HB 2432 – Work Session

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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>
<u>Tape 75, A</u> 003	Chair Brown	Calls meeting to order at 8:36 a.m., and opens a public hearing on HB 2041.
<u>HB 2041 – PUBLIC HEARING</u> 005	Chair Brown	Closes the public hearing on HB 2041, and opens a public hearing on HB 2042.
<u>HB 2042 – PUBLIC HEARING</u> 007	Chair Brown	Closes the public hearing on HB 2042, and opens a public hearing on HB 2367.
<u>HB 2367 – PUBLIC HEARING</u> 009	Chair Brown	Closes the public hearing on HB 2367, and opens a public

**HB 2464 – PUBLIC HEARING**

011 Chair Brown

hearing on HB 2464.

Closes the public hearing on HB 2464, and opens a public hearing on HB 2578.

**HB 2578 – PUBLIC HEARING**

013 Chair Brown

Closes the public hearing on HB 2578, and opens a public hearing on HB 2668.

**HB 2668 – PUBLIC HEARING**

015 Chair Brown

Closes the public hearing on HB 2668, and opens a public hearing on HB 2947.

**HB 2947 – PUBLIC HEARING**

017 Chair Brown

Closes the public hearing on HB 2947, and opens a public hearing on HB 2954.

**HB 2954 – PUBLIC HEARING**

019 Chair Brown

Closes the public hearing on HB 2954, and opens a public hearing on HB 3135.

**HB 3135 – PUBLIC HEARING**

021 Chair Brown

Closes the public hearing on HB 3135, and opens a public hearing on HB 3187.

**HB 3187 – PUBLIC HEARING**

023 Chair Brown

Closes the public hearing on HB 3187, and opens a public hearing on HB 3445.

**HB 3445 – PUBLIC HEARING**

025 Chair Brown

Closes the public hearing on HB 3445, and opens a public hearing on HB 3566.

**HB 3566 – PUBLIC HEARING**

027 Chair Brown

Closes the public hearing on HB 3566, and opens a public hearing on HJR 25.

**HJR 25 – PUBLIC HEARING**

029 Chair Brown

Closes the public hearing on HJR 25, and opens a work session on HB 2999.

**HB 2999 – WORK SESSION**

030 Rep. Beyer

**MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2999.**

035 Chair Brown

Explains the reason for reconsidering the previous vote on HB 2999 to remove the language which allows refunds for below cost sales.

040

**VOTE: 7-0**

Chair Brown

**Hearing no objection, declares the motion CARRIED.**

042 Rep. Beyer

**MOTION: Moves to RECONSIDER the vote by which HB 2999 was passed.**

045

**VOTE: 7-0**

Chair Brown

**Hearing no objection, declares the motion CARRIED.**

047 Rep. Beyer

**MOTION: Moves to ADOPT HB 2999-2 amendments dated 04/07/03 (in place of the -1 amendments previously adopted).**

050

**VOTE: 7-0**

Chair Brown

**Hearing no objection, declares the motion CARRIED.**

052 Rep. Beyer

**MOTION: Moves HB 2999 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue by prior reference.**

055 Rep. Mabrey

Reiterates his intention to vote NO on HB 2999, and offers his

		reasons for voting no.
<b>070</b>		<b>VOTE: 6-1</b>
		<b>AYE: 6 - Beyer, Dingfelder, Gilman, Greenlick, Zauner, Brown</b>
		<b>NAY: 1 - Mabrey</b>
	<b>Chair Brown</b>	<b>The motion CARRIES.</b>
075	Chair Brown	Closes the work session on HB 2999, and opens a public hearing on HB 2686.
<b><u>HB 2686 – PUBLIC HEARING</u></b>		
080	Janet Adkins	Committee Administrator. Offers a description of HB 2686, and the proposed -1 amendment ( <b>EXHIBIT B</b> ).
095	Ken Armstrong	Oregon Fire Chiefs. Offers testimony in support of HB 2686 and the proposed -1 amendment. Points out that there will be a -2 amendment to address some lingering concerns with the bill.
170	Jon Oshel	Association of Oregon Counties. Offers testimony regarding HB 2686, expresses concern with the language which will be removed by the -2 amendments.
265	Armstrong	Explains that he has no concerns with deleting that language.
270	Rep. Gilman	Expresses his concerns regarding the bill.
275	Rep. Zauner	Relates the measure to the issue of jurisdictional transfer of roadways from the Oregon Department of Transportation to cities.
280	Armstrong	Addresses the issue of weight in regards to jurisdictional transfer.
315	Rep. Mabrey	Expresses his concerns for the bill. Asks why weight is increasing in fire vehicles.
325	Armstrong	Discusses the reasons for why the weight is increasing.
355	Oshel	Explains that hydraulic units are increasing in weight and size necessitating larger vehicles to carry them.
360	Rep. Mabrey	Asks why the posted weight limits on state and federal highways do not apply to fire response vehicles.
370	Oshel	Discusses the exemption from weight limits.
395	Rep. Greenlick	Clarifies that the -1 amendments cover this issue.
400	Oshel	Discusses language in the amendments.
<b>TAPE 76, A</b>		
005	Rep. Greenlick	Asks what percent of fire vehicles would be included in this weight class.
015	Armstrong	Explains that many of the vehicles exceed the weight limit.
020	Rep. Greenlick	Asks if this problem applies to other fire units.
025	Armstrong	Discusses the problem in other fire districts.
030	Rep. Beyer	Discusses an issue in her district which relates to the bill. Asks how other states deal with this issue.
045	Armstrong	Defers to Gregg Dal Ponte.
050	Gregg Dal Ponte	Oregon Department of Transportation, Motor Carriers Division. Offers testimony regarding weight limits in other states. Indicates that most likely the manufacturers of these trucks are increasing weight based on market demand. Discusses Rep. Beyer's previous example of a situation in her district. Discusses the issue of bridge weight limit in regards to fire response vehicles.
140	Rep. Zauner	Asks how long it took to receive the variance.
145	Dal Ponte	Explains it takes around three hours.
150	Chair Brown	Clarifies that the Springfield Fire Department had to receive a variance from the state, the city and the county.
151	Dal Ponte	Explains that only some cities issue variance permits.

155	Rep. Beyer	Refers to her previous example, explaining the state variance was issued quickly once she became involved.
160	Chair Brown	Clarifies that ODOT does issue variances.
165	Dal Ponte	Discusses the process for variance issuing.
170	Chair Brown	Asks whether the legislation is needed in light of the ease of obtaining the variance permits.
175	Dal Ponte	Explains that the issue is expediency in obtaining the permits.
180	Rep. Mabrey	Asks how long the permits in question are good for.
185	Dal Ponte	Explains the permits are good for one year.
190	Rep. Zauner	Asks what happens when highway jurisdiction is transferred.
195	Dal Ponte	Explains that the state and all counties issue variance permits.
200	Chair Brown	Asks whether the -2 amendment will address the current concerns with the measure.
205	Dal Ponte	Discusses his concerns with the measure and what should be in the -2 amendment to alleviate these concerns.
225	Rep. Greenlick	Asks whether there is an Attorney General opinion on the issue.
230	Rep. Mabrey	Points out that if the weight limit on bridges is static, and points out that trucks could be loaded below the weight limit.
245	Armstrong	Discusses the issue of water weight and the possibility of under loading.
260	Rep. Mabrey	Restates his question clarifying that when these trucks are weighed while loaded.
285	Armstrong	Points out that not all fire apparatus carry water, and discusses the ability to carry less water.
295	Oshel	Points out that fire trucks are fully loaded without an idea of the situation it will face.
305	Rep. Mabrey	Acknowledges the point, but reiterates that fire trucks could carry less water.
325	Adkins	Points out the -1 amendments do not address weight, and asks whether the -2 amendments will cover this issue.
335	Oshel	Discusses the -2 amendments.
350	Chair Brown	Clarifies that Mr. Armstrong is working on -2 amendments to address these concerns.
355	Armstrong	Acknowledges.
365	Andrea Fogue	League of Oregon Cities. Offers testimony regarding HB 2686.
380	Chair Brown	Closes the public hearing on HB 2686, and opens an informational meeting on the Road User Fee Task Force Report.

**INFORMATIONAL MEETING**

390	Jim Whitty	Oregon Department of Transportation, Transportation Funding Task Force. Offers written testimony ( <b>EXHIBIT C</b> ) with reference to frequently asked questions ( <b>EXHIBIT D</b> ). Presents a report from the Road User Fee Task Force ( <b>EXHIBIT E</b> ) including Appendices ( <b>EXHIBIT F</b> ).
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**TAPE 75, B**

001	Jim Whitty	Continues with report from the Road User Fee Task Force.
230	Rep. Dingfelder	Asks about the Congestion Pricing and the context in which the Task Force viewed the issue.
245	Whitty	Explains that the RUFTF viewed every issue based on revenues because that was its mandate. Continues with, and concludes informational testimony.
315	Chair Brown	Commends Mr. Whitty and the Task Force for their work. Asks how to overcome the fears regarding tracking of vehicles and invasion of personal privacy.
325	Whitty	Discusses the issue of vehicle tracking and how it would operate

370	Rep. Dingfelder	limiting tracking ability to avoid the privacy issue.
375	Whitty	Asks if any other states have done research in this general area.
390	Rep. Beyer	Explains that he believes Oregon is in the lead on this issue.
		Asks how the device would differentiate between miles traveled in Oregon and mile traveled outside of Oregon.
395	Whitty	Discusses the operation of the milage reading devices.
<b>TAPE 76, B</b>		
010	Chair Brown	Closes the informational meeting and opens a public hearing on HB 3253.

**HB 3253 – PUBLIC HEARING**

025	Matt Metter	Rep. Nelson Staff. Offers written testimony ( <b>EXHIBIT G</b> ) in support of HB 3253.
060	Janine Delaunay	Oregon Disability Commission. Offers testimony in opposition to HB 3253.
090	Jacqueline Zimmer Jones	Oregon Association of Area Agencies on Aging and Disabilities. Offers testimony in opposition to HB 3253.
130	Rep. Zauner	Asks whether the permit holders have other documentation regarding their handicapped status.
140	Zimmer Jones	Defers to Ms. Taylor from the Oregon Department of Transportation.
145	Delaunay	Explains what identification handicapped individuals carry.
160	Rep. Greenlick	Asks whether the Oregon Disabilities Commission has taken a stance on the bill.
165	Delaunay	Explains that the ODC does not have an explicit position on the bill, but they do have concerns.
170	Rep. Greenlick	Points out that law enforcement would enforce the law, rather than the challenge of private individuals.
180	Delaunay	Discusses the issue of challenging those with disability parking permits.
200	Metter	Points out that Mr. Turudic has testimony relevant to this point.
205	Andy Turudic	Hillsboro, Oregon. Offers written testimony ( <b>EXHIBIT H</b> ) in support of HB 3253.

**TAPE 77, A**

035	Chair Brown	Points out the need for the committee to attend House Floor Session at 10:45 a.m.
040	Turudic	Acknowledges, and concludes testimony in support of HB 3253.
095	Chair Brown	Asks Mr. Turudic if he has approached the school in regards of creating additional handicap parking places.
100	Turudic	Explains that he does not wish to have bigger parking lots, but use those current spaces more efficiently.
105	Chair Brown	Asks about creating more handicapped designated spots from the current multiuse spots.
110	Turudic	Explains that the school does not have enough money to do this.
115	Kelly Taylor	Oregon Department of Transportation. Offers testimony regarding HB 3253, including reference to ODOT work groups on handicap parking.
140	Chair Brown	Closes the public hearing on HB 3253, and opens a work session on HB 2432.

**HB 2432 – WORK SESSION**

145	Janet Adkins	Committee Administrator. Offers a description of HB 2432, with reference to the issued Fiscal Impact Statement ( <b>EXHIBIT I</b> ).
160	<b>Chair Brown</b>	<b>MOTION: Moves HB 2432 to the floor with a DO PASS recommendation.</b>
165	Rep. Greenlick	Discusses his concerns with the bill and intention to vote NO on

250	Rep. Zauner	the bill, based on his history as a public health official. Expresses his intent to vote in favor of the bill, and discusses his interest in public health.
260	Chair Brown	<b>VOTE: 4-3</b> <b>AYE: 4 - Beyer, Mabrey, Zauner, Brown</b> <b>NAY: 3 - Dingfelder, Gilman, Greenlick</b> <b>The motion CARRIES.</b> <b>KROPF will lead discussion on the floor.</b>
275	Chair Brown	Reminds the committee about the next weeks meeting schedule, and closes the meeting at 10:44 a.m.

**EXHIBIT SUMMARY**

- A – HB 2999, -2 amendment, Staff, 2 pp.**
- B – HB 2686, -1 amendment, Staff, 1 p.**
- C – Informational, written testimony, Jim Whitty, 1 p.**
- D – Informational, Frequently Asked Questions with Answers, 9 pp.**
- E – Informational, Road User Fee Task Force: Report to the 72<sup>nd</sup> Oregon Legislative Assembly, Jim Whitty, 51 pp.**
- F – Informational, Road User Fee Task Force: Appendices, Jim Whitty, 150 pp.**
- G – HB 3253, written testimony, Rep. Nelson, 1 p.**
- H – HB 3253, written testimony, Andy Turudic, 10 pp.**
- I – HB 2432, fiscal impact statement, Staff, 2 pp.**