

# HOUSE COMMITTEE ON TRANSPORTATION

May 09, 2003 Hearing Room 357

8:30 AM Tapes 103 – 104

**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:**        **SB 787 A – Public Hearing and Work Session**  
                                  **SB 771 A – Public Hearing and Work Session**  
                                  **SB 508 A – Public Hearing**  
                                  **SB 596 A – 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 103, A</b>		
003	Chair Brown	Calls meeting to order at 9:34 a.m., and opens a public hearing on SB 787A.
<b><u>SB 787A – PUBLIC HEARING</u></b>		
005	Janet Adkins	Committee Administrator. Offers a description of SB 787A, with reference to the issued fiscal statement ( <b>EXHIBIT A</b> ).
030	Dave Barrows	Segway Corp. Offers written testimony ( <b>EXHIBIT B</b> ) in support of SB 787 A.
070	Rep. Greenlick	Asks what rights a disabled person with an assisted mobility device has.
075	Barrows	Explains that the definition in the bill applies only to the Segway.
080	Rep. Greenlick	Asks whether there would be any insurance needed.
085	Barrows	Explains that insurance would not be required.
090	Rep. Mabrey	Clarifies that Mr. Barrows is for the bill as currently written, and not in support of the -3 amendments ( <b>EXHIBIT C</b> ).
100	Andrea Fogue	League of Oregon Cities. Offers testimony in support of SB 787 A, with reference to submitted poll ( <b>EXHIBIT D</b> ) of Oregon cities.
120	Rep. Dingfelder	Expresses concern for allowing any vehicle on the sidewalk due to the safety issues.
130	Fogue	Explains that this was not part of the discussion because there is no information regarding the safety issues with the new technology represented by the Segway.
145	Rep. Mabrey	Points out his personal experience with the Segway, pointing out his perception of the vehicle's safety. Asks whether there would

155	Fogue	be the option for the cities to regulate the speed of the Segways.
165	Susan Schneider	Explains that there would be the ability to limit speed.
175	Rep. Greenlick	City of Portland. Offers testimony in support of SB 787A.
		Asks whether the city of Portland currently regulates motorized personal vehicles.
185	Schneider	Indicates that she is unaware if those devices are regulated.
190	Rep. Dingfelder	Discusses her personal experience with these vehicles, indicating that they are not restricted from sidewalks.
195	Lara Smith	Segway Corp. Discusses the regulations of various personal motorized vehicles.
210	Chair Brown	Recesses the public hearing on SB 787A, and open a public hearing on SB 771A.

**SB 771A – PUBLIC HEARING**

215	Senator Bruce Starr	Senate District 15. Offers testimony in support of SB 771A.
300	Rep. Zauner	Asks whether the Governor is in favor of SB 771A.
310	Sen. Starr	Comments on his conversations and work with the Governor which indicates his support.
315	Rep. Greenlick	Asks about some critiques of the bill.
320	Sen. Starr	Comments on that dissention.
330	Rep. Mabrey	Offers an example in his district which illustrates the importance and need for SB 771A.
375	Janet Adkins	Enters into record written testimony ( <b>EXHIBIT E</b> ) from John Rosenberger of the Oregon Department of Transportation.
380	Chair Brown	Closes the public hearing on SB 771A, and opens a work session on SB 771A.

**SB 771A – WORK SESSION**

385	Rep. Zauner	<b>MOTION: Moves SB 771A to the floor with a DO PASS recommendation.</b>
390		<b>VOTE: 7-0</b>
	Chair Brown	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
395	Rep. Greenlick	<b>MOTION: Moves SB 771A be placed on the CONSENT CALENDAR.</b>
	Chair Brown	<b>VOTE: 7-0</b>
	Chair Brown	<b>Hearing no objection, declares the motion CARRIED.</b>
400	Chair Brown	Closes the work session on SB 771A, and reopens the public hearing on SB 787A.

**SB 787A – PUBLIC HEARING**

405	Tom O'Connor	Oregon Municipal Electric Utilities. Offers testimony in support of SB 787A with reference to a submitted letter ( <b>EXHIBIT F</b> ).
430	Chair Brown	Clarifies the proposed use of the Segway Vehicle.
<b>TAPE 104, A</b>		
030	Troy Costales	Oregon Department of Transportation, Transportation Safety Division. Offers written testimony ( <b>EXHIBIT G</b> ) in support of SB 787A, with reference to submitted table ( <b>EXHIBIT H</b> ).
060	Rep. Dingfelder	Asks why the Segway were kept off of sidewalks in SB 173 (2001).
065	Costales	Discusses the issues which were addressed by SB 173 (2001).
070	Rep. Zauner	Asks why other states have addressed this issue before Oregon.
075	Costales	Indicates that he is not sure.
080	Dave Barrows	Segway Corp. Explains the timing issues which required that the issues in SB 787A not be addressed until this legislative session.
090	Rep. Greenlick	Points out that Ms. Vanderslice is one of his constituents.

095 Ellen Vanderslice Willamette Pedestrian Coalition. Offers testimony in opposition to SB 787A, but in favor of the proposed -3 amendments.  
160 Chair Brown Closes the public hearing on SB 787A, and opens a work session on SB 787A.

**SB 787A – WORK SESSION**

165 **Rep. Dingfelder** **MOTION: Moves to ADOPT SB 787-3 amendments dated 04/01/03.**

170 Janet Adkins Points out that the -3 amendments amend the original bill, while the  
-A7 amendments (**EXHIBIT I**) would amend the A-engrossed version currently before the committee.

175 **Rep. Dingfelder** **Rescinds the motion to adopt the -3 amendments to SB 787A.**  
**MOTION: Moves to ADOPT SB 787A-7 amendments dated 05/09/03.**

185 Rep. Greenlick Points out his support for the –A7 amendments.  
190 Rep. Mabrey Points out the number of cities in Oregon, and indicates his opposition to the –A7 amendments.

210 Rep. Zauner Expresses his opposition to the –A7 amendments, and discusses the possible Segway use in his district.

220 **VOTE: 2-4**  
**AYE: 2 - Dingfelder, Greenlick**  
**NAY: 4 - Gilman, Mabrey, Zauner, Brown**  
**EXCUSED: 1 - Beyer**  
**The motion FAILS.**

225 **Chair Brown**  
**Rep. Mabrey** **MOTION: Moves SB 787A to the floor with a DO PASS recommendation.**

230 **VOTE: 7-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 – Beyer (Aye vote recorded later: Tape 104, #235)**  
**Chair** **The motion CARRIES.**  
**REP. GREENLICK will lead discussion on the floor.**

235 **Rep. Brown** **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. BEYER to BE RECORDED as voting AYE on the MOTION: Moves SB 787A to the floor with a DO PASS recommendation.**  
**VOTE: 7-0**  
**Chair Brown** **Hearing no objection, declares the motion CARRIED.**

240 Chair Brown Closes the work session on SB 787A, and opens a public hearing on SB 596A.

**SB 596 A – PUBLIC HEARING**

245 Janet Adkins Committee Administrator. Offers a description of SB 596A.  
285 Rep. Greenlick Clarifies that specific language in the bill would excluded ODOT employees from the protections allowed to police officers by the bill.

290 Adkins Acknowledges, recalling that the original bill included ODOT employees but that inclusion was amended out of the bill on the Senate side.

295 Rep. Greenlick Points out that the Oregon Department of Transportation employees are often the first on the scene of an accident and expresses his wish to see an amendment which would re-include ODOT employees.

305	John Raichl	Clatsop County Sheriff. Offers testimony in support of SB 596A.
345	Rep. Zauner	Asks whether the citation would be issued before or after the vehicles are moved.
355	Raichl	Explains that often there is no police presence at the scene of an accident. Discusses the ways in which fault is determined.
375	Chair Brown	Asks about the severity of the violation.
380	John Powell	Oregon State Sheriffs Association. Points out that this is the existing penalty in statute. Addresses Rep. Greenlick's question regarding the removal of ODOT employees from the bill.
<b>TAPE 103, B</b>		
005	Rep. Greenlick	Clarifies that Mr. Powell is saying that ODOT employees currently have the authority to clear roads, while police officers do not have that authority.
010	Powell	Explains that, while the police currently have the ability to remove vehicles from the road, SB 596A addresses the liability issue.
015	Rep. Greenlick	Clarifies ODOT's liability is currently protected.
020	Powell	Explains that he does know whether ODOT's liability is protected.
025	Chair Brown	Clarifies specific language in the bill.
030	Powell	Explains that they would not object for changing the language in question.
035	Rep. Greenlick	Points out that the "must" might need to be changed.
040	Janet Adkins	Comments on the language in question.
050	Rep. Dingfelder	Points out that the "as soon as possible" language would allow some leeway on this issue.
055	Powell	Expresses his willingness to amend the bill clarifying the language.
065	Chair Brown	Asks the Oregon Department of Transportation to address the issue.
070	Doug Tindal	Oregon Department of Transportation. Offers testimony regarding HB 596.
095	Larry Campbell	American Automobile Association. Offers testimony regarding HB 596.
105	Chair Brown	Closes the public hearing on SB 596 and expresses the need to carry the bill over until the next meeting. Opens a public hearing on SB 508 A.
<b><u>SB 508 – PUBLIC HEARING</u></b>		
110	Chair Brown	Closes the public hearing on SB 508 A, and adjourns the meeting at 10:37 a.m.

## **EXHIBIT SUMMARY**

- A – SB 787 A, fiscal impact statement, Staff, 1 p.**
- B – SB 787 A, written testimony, Dave Barrows, 2 pp.**
- C – SB 787 A, -3 amendments, Staff, 1 p.**
- D – SB 787 A, submitted poll, Andrea Fogue, 1 p.**
- E – SB 771 A, written testimony, John Rosenberger, 1 p.**
- F – SB 787 A, submitted letter, Tom O'Connor, 1 p.**
- G – SB 787A, written testimony, Troy Costales, 1 p.**
- H – SB 787A, submitted table, Troy Costales, 3 pp.**

**I – SB 787A, -A7 amendments, Staff, 1 p.**