

# HOUSE COMMITTEE ON TRANSPORTATION

February 07, 2001  
9:00 AM

Hearing Room D  
Tapes 24-26

**MEMBERS PRESENT:** Rep. Bruce Starr, Chair  
Rep. Alan Brown, Vice-Chair  
Rep. Jeff Merkley, Vice-Chair  
Rep. Richard Devlin  
Rep. Jeff Knopf  
Rep. Donna Nelson  
Rep. Diane Rosenbaum  
Rep. Joanne Verger  
Rep. Cliff Zauner

**MEMBER EXCUSED:**

**STAFF PRESENT:** John Leon, Committee Administrator  
Kate Campeau, Committee Assistant

**MEASURE/ISSUES HEARD:** Department of Transportation Rail Division Overview  
HB 2565 Public Hearing  
HB 2141 Public Hearing and Work Session  
HB 2301 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><u>TAPE 24 A</u></b>		
001	Chair Starr	Calls meeting to order at 9:01 a.m.
<b><u>DEPARTMENT OF TRANSPORTATION RAIL DIVISION OVERVIEW</u></b>		
005	Claudia Howells	Deputy Director, Rail Division, Oregon Department of Transportation. Gives overview of rail division. Submits written material ( <b>EXHIBIT A</b> ) detailing gross revenues of railroads throughout Oregon, abandoned railroad rights of way, intermodal trucks and containers, safety issues, property management, passenger rail and administrative costs.
100	Howells	Continues reviewing submitted material.
200	Howells	Continues reviewing submitted material.
300	Howells	Continues reviewing submitted material.
	Chair Starr	Opens a public hearing on HB 2565.
<b><u>TAPE 25, A</u></b>		
<b><u>HB 2565 PUBLIC HEARING</u></b>		
030	John Leon	Committee Administrator. Reads synopsis of HB 2565. Notes that there is no revenue impact on this bill, but there may be a fiscal impact.
043	Sean Miller	Oregon Recreational Dealers Association (ORDA). Testifies on behalf of HB 2565. States that he represents RV dealers from around the state. Testifies as to the benefits of this bill for consumers and the RV industry. Details that there are no

franchise laws in the RV industry that pose problems for tracking consumer rights. States that ORDA is working with ODOT.

090 Roger Kirschner President, Highway Trailer Sales, Inc. and President of Oregon Recreational Vehicle Association. Presents written testimony **(EXHIBIT B)**. Details his views and asserts his support of this bill.

130 Larry Nonemaker Larry's RV, Bend, and President of the RV Dealers Association. Testifies on the need for this bill.

182 Rep. Devlin Asks if one of the issues looked at will be counter legislation being offered in the State of Washington. Brings up a need for consistency.

199 Sean Miller Answers that working with ODOT hopefully will address this issue.

217 Chair Starr Closes public hearing on 2565 and opens a public hearing on HB 2141.

**HB 2141 PUBLIC HEARING**

220 Leon Gives synopsis of HB 2141. State that there is a proposed -1 amendment. Notes that there is no fiscal impact and there may be a revenue impact, but no statement has been issued.

240 Steve Johnson Manager, Field Motor Carrier Service, Department of Transportation. Submits written material **(EXHIBIT C)**. Details what the bill does. Talks about the 8½ foot maximum allowable width limit for vehicles as set in statute and notes the typographical error stating 8 feet **(EXHIBIT D)**. Details other housekeeping changes to statutes.

Chair Starr Closes the public hearing on HB 2141 and opens a public hearing on HB 2301.

**HB 2301 PUBLIC HEARING**

400 Leon Reads synopsis of 2301. Notes that there is no revenue or fiscal statements issued, but there could be an impact.

432 Rep. Jerry Krummel House District 27. Testifies on behalf of HB 2301. Submits written testimony **(EXHIBIT E)**. States that the Governor's office and ODOT will have suggestions to the bill.

**TAPE 24, B**

006 Rep. Krummel Continues testimony.

021 Chair Starr Thanks Rep. Krummel for his testimony. States that he intends to draft a bill to broaden discussion and that he will work with Rep. Krummel and the Governor's office.

034 Rep. Devlin Asks Rep. Krummel if he is speaking about net revenue or gross revenue.

041 Rep. Krummel Answers that voters are not interested in having taxes raised. States that it would be prudent to be revenue neutral on the gross side. Concedes that further discussion is probably needed.

059 Rep. Verger Thanks Rep. Krummel for starting this discussion. Points out much broader subject with task force and wants this discussion to continue. Wonders if the task force would be better served by members of the House, Senate and the Transportation Commission who would serve on it.

081 Rep. Krummel Answers that task force members' appointments are a leadership call. Expresses support for Rep. Verger's idea as well as statement that gas tax is a very ineffective way to charge for road usage with the emergence of hybrid vehicles.

115 Chair Starr Closes the public hearing on 2301 and reopens the public

hearing on HB 2141.

**HB 2141 PUBLIC HEARING (CONTINUED)**

118	Rep. Tootie Smith	House District 28. Testifies on 2141. Speaks to the maximum allowable width limit for vehicles, as set in statute.
167	Rep. Zauner	Explains to Rep. Smith that it was earlier discussed in the meeting that the 8 foot designation was a typographical error and will be corrected.
170	Rep. Smith	Thanks committee for allowing her the time to speak on this issue.
195	Bob Russell	Director of Government Affairs, Oregon Trucking Association. Summarizes the housekeeping bill nature of this bill: <ul style="list-style-type: none"><li>• States that it is most appropriate to cite the motor carrier instead of driver for weight mile tax violations</li><li>• Speaks to the typographical error in the official statute book and points out that the national standard is indeed 8½ feet; explains that there was a printing error and offers the simple solution of requesting ODOT to work with Legislative Counsel on the bill that deals with typographical errors</li></ul>
250	Rep. Verger	Asks for clarification on maximum weight.
260	Johnson	Answers that federal limit is 80,000 pounds. Notes that permits allow for higher amounts of weight. Explains that permits can be issued for \$8.00 per year and that a motor carrier can be issued one document/permit that covers many trucks.
280	Rep. Rosenbaum	Asks for clarification on page 2, line 21 of the amendment that the citation issued to the driver is assumed to be issued to the owner.
290	Johnson	Assures Rep. Rosenbaum that the motor carrier is held responsible.
294	Rep. Rosenbaum	Asks if there is a process for notifying motor carrier that citation has been issued to a driver.
300	Johnson	Answers yes.
305	Rep. Devlin	Asks for clarification of weight per axel.
308	Johnson	Answers that weight remains the same as vehicles under 80,000 pounds.
325	Rep. Zauner	Asks for clarification of page 2 of the amendment. States that wording is very broad, which could be ultimately unfair.
327	Russell	Answers that this gives chance to enforce regulations via citation.
348	Chair Starr	Referencing section 3, page 7, asks why lines 17-19 are being deleted.
356	Johnson	Answers that legal limit for vehicles was increased from 8 feet to 8½ feet. States that this statute is not necessary because this length is allowed.
368	Chair Starr	Clarifies that the length stated is totally appropriate and legal.
370	Johnson	Answers yes.
379	Kurt Curtis	Oregon State Police. Testifies in support of HB 2141 and states that it is appropriate to omit arrest authority from this bill.
436	Chair Starr	Closes public hearing and opens a work session on HB 2141.

**HB 2141 WORK SESSION**

445 Rep. Devlin

**MOTION: Moves to ADOPT HB 2141-1 amendments dated 1/31/01.**

**VOTE: 7-0**

**EXCUSED: 2 - Kropf, Merkley**

447	<b>Chair Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
460	<b>Rep. Devlin</b>	<b>MOTION: Moves HB 2141 to the floor with a DO PASS AS AMENDED recommendation.</b>
462	Leon	States that a revenue impact statement is needed before bill gets to the floor. <b>VOTE: 7-1</b> <b>AYE: 7 – Brown, Devlin, Merkley, Rosenbaum, Verger, Zauner, Starr</b> <b>NAY: 1 – Nelson</b> <b>EXCUSED: 1 – Kropf</b> <b>(A motion is made later in the meeting to allow Rep. Merkley to cast his AYE vote)</b>
485	<b>Chair</b>	<b>The motion CARRIES.</b>
490	Rep. Devlin	<b>REP. DEVLIN will lead discussion on the floor.</b> Requests that ODOT provide a statement for floor distribution that states that the 8½ feet issue has been resolved.
<b>TAPE 25, B</b>		
055	Chair Starr	Agrees with this recommendation. Closes the work session on HB 2141 and reopens the public hearing on HB 2301.
<b><u>HB 2301 PUBLIC HEARING (CONTINUED)</u></b>		
062	Mike Marsh	Executive Deputy Director, Department of Transportation (ODOT). Speaks on HB 2301, which deals with the Motor Vehicle Fuel Tax. Presents written material ( <b>EXHIBIT E</b> ). Overviews ODOT’s view of this bill. Speaks to a number of factors that are eroding the tax system’s effectiveness.
133	Chair Starr	Asks what is the rationale of limiting testing.
143	Marsh	Answers that the rationale is to do this in a balanced and cost effective method.
152	Chair Starr	States that the May election on HB 2082 was really a catalyst to change conversation, in order to figure out how to fund transportation system in the 21 <sup>st</sup> century.
164	Rep. Rosenbaum	Asks about the expanded task force membership. Asks why the telecommunications industry was highlighted. Asks who is Oregon Transportation Research Industry.
171	Marsh	Answers that equipment that is being used by the telecommunications industry could eventually be used by ODOT for measuring things like miles. Answers that the research community consists of representatives from private, non-profit, national and local groups, providing expert consultation.
186	Rep. Nelson	States that the task force should be focused on a quality transportation system.
217	Marsh	Concurs that Rep. Nelson’s ideas are valid. Clarifies that addressing problem is within boundaries of possibilities for feasibility. States that a user fee is very focused and more attractive to the public because it is not presented as just a gas tax.
239	Rep. Verger	Asks what Mr. Marsh means by telecommunications.
250	Marsh	Explains that telecommunications relates to fiber optics being laid along highways all over country. States that devices are available to measure movement of vehicles, and he anticipates that this technology will be available to transportation system. Explains that this would be used as options to fees.
265	Rep. Verger	States that “big government” is a negative image. Comments that

277	Rep. Devlin	the user fee is paid at the pump. Expresses opinion that the more user friendly and public the department can be the better.
302	Rep Nelson	Notes that the name of the task force can be changed, but the relating clause cannot be changed.
305	Marsh	Asks if critical purpose of this task force deserves more consideration.
327	Chair Starr	Stresses that the bill can move forward in its general context and issues around charter could be developed over time.
339	Chris Hagerbaumer	States that this bill will be worked and issues will be explored.
	Chair Starr	Air and Transportation Program Director, Oregon Environmental Council. Testifies in support of HB 2301 ( <b>EXHIBIT G</b> ).
	Chair Starr	Closes the public hearing on HB 2301 and reopens the work session on HB 2141.

**HB 2141 WORK SESSION (CONTINUED)**

<b>340</b>	<b>Chair Starr</b>	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. MERKLEY to BE RECORDED as voting AYE on HB 2141.</b>
		<b>VOTE: 8-0</b>
		<b>EXCUSED: 1 - Kropf</b>
<b>346</b>	<b>Chair Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>348</b>	<b>Chair Starr</b>	Closes the work session on HB 2141. Adjourns meeting at 10:50 a.m.

Submitted By,

Reviewed By,

Kate Campeau,  
Committee Assistant

John Leon  
Committee Administrator

**EXHIBIT SUMMARY**

- A – Oregon Department of Transportation, Rail Division Overview, 13 pp.**
- B – 1999 Oregon Railroad Gross Revenues, 4 pp.**
- C – Department of Transportation, map, 1 pp.**
- D – Written material, HB 2565, Roger Kirschner, Shawn Miller, Larry Nonemaker, 3 pp.**
- E – Department of Transportation, written material HB 2141, 1 p.**
- F – Department of Transportation, written material HB 2141, 4 pp.**
- G – Rep. Krummel, written testimony, HB 2301, 2 pp.**
- H – Department of Transportation, Mike Marsh, HB 2301, 2 pp.**
- I – Oregon Environmental Council, written material, 8 pp.**