

HOUSE COMMITTEE ON TRANSPORTATION

March 21, 2001
8:30 AM

Hearing Room D
Tapes 60-62

MEMBERS PRESENT: Rep. Bruce Starr, Chair
Rep. Alan Brown, Vice-Chair
Rep. Jeff Merkley
Rep. 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: HB 3065 Public Hearing and Work Session
HB 3075 Public Hearing
HB 3070 Public Hearing
HB 3155 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 60, A 004	Chair Starr	Calls meeting to order at 9:05 a.m. Opens a public hearing on HB 3065.
<u>HB 3065 – PUBLIC HEARING</u> 010	John Leon	Committee Administrator. Reads synopsis of bill which repeals requirement that person applying for issuance or renewal of drivers license pay Safety Education Fund eligibility fee.
015	Troy Costales	Manager Safety Division, Oregon Department of Transportation. Testifies on HB 3065 and submits written testimony (EXHIBIT A). States that HB 3065 repeals collection of the Safety Education Fund fee from the fees paid to obtain or renew a driver license. It also repeals the direction to contract with Oregon State University for the Oregon Student Safety on the Move (OSSOM) program. States that another bill (HB 3911) has been introduced to continue funding directly to OSU, effective July 1, 2001, from a non-highway fund source. Requests that the committee support HB 3065.
025	Deborah Slover	Representing OSSOM Program. Submits written testimony (EXHIBIT B) and testifies as to the benefits of this program and its value to youth.
040	Rep. Zauner	Asks if this program is receiving any money at this time.

044 Slover Answers yes.
 048 Chair Starr Explains to Rep. Zauner that the Attorney General has determined that it is not appropriate for highway funds to go to this program.
 050 Rep. Zauner Asks if this is a law, and does the committee have the authority to continue the funding.
 055 Chair Starr Answers that these questions are valid, and that recourses for continued funding are being considered.
 060 Chair Starr Closes public hearing on HB 3065. Opens work session on HB 3065.

HB 3065 – WORK SESSION

067 Rep. Merkley **MOTION: Moves HB 3065 to the floor with a DO PASS recommendation.**

070 **VOTE: 5-0**

Chair Starr **EXCUSED: 4 - Devlin, Kropf, Nelson, Rosenbaum Hearing no objection, declares the motion CARRIED.**

080 Rep. Merkley **MOTION: Moves HB 3065 be placed on the CONSENT CALENDAR.**

085 **VOTE: 5-0**

Chair Starr **EXCUSED: 4 – Devlin, Kropf, Nelson, Rosenbaum Hearing no objection, declares the motion CARRIED.** Closes work session and opens a public hearing on HB 3075.

HB 3075 – PUBLIC HEARING

100 Leon Reads synopsis of HB 3075 that requires the Department of Transportation to use \$25 million from the State Highway Fund to match local moneys for projects on state highways. States that there is a sunset on this bill and it is scheduled for June 30th, 2003. States that there is a fiscal impact on this bill.
 125 Bruce Warner Director, Oregon Department of Transportation. Submits written testimony (**EXHIBIT C**). States that HB 3075 could change the geographical allocation of transportation dollars and circumvent Oregon’s current public process for project selection.
 130 Chair Starr Asks about the statement that the Oregon Transportation Commission (OTC) has made clear the intent to favor projects where local funds are involved.
 140 Warner Answers that the OTC is intent on favoring projects with local funds while still complying with Oregon’s process of public involvement in project selection.
 150 Rep. Zauner Asks if Mr. Warner feels this bill is needed.
 160 Warner Answers that he does not feel the bill is needed and that a priority is given to projects that have local match.
 170 Chair Starr Asks where most of the state’s highway fund dollars are generated.
 180 Warren Answers that there are good estimates of where funds are generated and these estimates are by county.
 190 Chair Starr Counters that the majority of highway fund dollars are generated in more populated areas.
 200 Rep. Merkley Asks how many dollars in biennium would go to the projects where there is local money.
 205 Warren Answers that he does not have that information at this time.
 215 Rep. Merkley Asks if this bill would change anything or would it facilitate forgoing the current Statewide Transportation Improvement Program (STIP). States that he is referring to the \$25 million

		from the state highway fund (HB 3075, line 5).
220	Warren	States that he understands the concern expressed, but that he cannot answer at this time.
225	Rep. Kropf	States his support of this bill.
240	Rep. Merkley	Asks about the process in this bill - is it first-come-first-serve.
245	Warren	Concurs with Rep. Merkley's assessment of the process.
248	Rep. Merkley	Asks Chair Starr if there are single projects that could use up the \$25 million immediately.
252	Chair Starr	Verifies that there are projects that could use up the whole \$25 million, and that the problem is lack of funds.
256	Warren	States this is a zero sum gain, continuing explanation by stating that money has been assigned to certain projects and any reassigning will mean taking money away from these original projects.
270	Rep. Rosenbaum	Asks for clarification regarding local funding not being 50% of the original funding.
280	Warren	Answers that there are varying numbers of participation by local governments and the private sector. States that ODOT tries to stretch the existing dollars to the most projects with the local match and that without this bill ODOT will continue to do this.
290	Rep. Rosenbaum	Asks if the community could pay 25% and the state pay 75%.
300	Warren	Answers yes.
310	Rep. Kropf	Makes statement about local communities stepping up to the plate and providing funding on their own in order to redirect much needed money to much needed projects.
316	Rep. Merkley	Asks what is the total state highway fund for the biennium.
319	Warren	Answers that the highway portion of the funds available is five percent of \$1.2 billion.
326	Rep. Merkley	Calculates that figure to be \$25 million dollars.
333	Rep. Devlin	Details the process in deciding which projects would be delayed, the heartbreak and the humanity of it all.
340	Warren	Concurs with Rep. Devlin's scenario.
TAPE 61, A		
030	Jacob Brostoff	Transportation Advocate, 1000 Friends of Oregon. Submits written testimony (EXHIBIT D). Testifies on concern of equity in funding distribution. Urges the committee to either reject the bill in its current version or take the time to amend it to include a more complete and specific set of criteria to better reflect the public's multiple needs and to avoid inequitable distribution of state moneys.
040	Rep. Ringo	State Representative, District 6, Beaverton. Testifies on behalf of bill he is sponsoring. Discusses the common sense solution of this bill to have the state pay half and the county pay half. Briefly discusses ODOT's objections. States that through this bill a mechanism is being created to enable counties to initiate improvements.
080	Rep. Kropf	States that many counties are going to want to be the first in line for this money.
085	Rep. Ringo	Comments that he felt this should be initiated every biennium.
090	Rep. Merkley	Questions the usefulness of having a first-come first-serve type of system. States that STIP system is in place to evaluate the greatest transportation needs, and is there perhaps a better way to evaluate projects rather than do away with the process.
100	Rep. Ringo	States that if a community feels strong enough about

130	Rep. Nelson	transportation needs that local money will be put into a project which is another way of determining priority of the project. States that Yamhill County does not have the money to match funds, and that first-come-first-serve would not serve the tremendous needs of Yamhill County.
140	Rep. Ringo	States that this bill was drafted in the spirit of compromise.
155	Rep. Verger	States that the transportation funding problem needs to be resolved. Talks about the bigger picture - that is the funding mechanism for ODOT to be able to serve Oregon. Encourages adequate transportation funding of some type.
170	Rep. Kropf	States that Linn County, which is an economically depressed county, is willing to put money into this matching fund project.
200	Chair Starr	Asks how many projects are in the STIP that has a local match component.
201	Warner	Answers that he does not have those figures but will get them for the committee.
203	Rep. Merkley	Asks about the process of increasing priority within the STIP for projects with local match.
210	Warner	Answers that the process in terms of getting the projects to fit the moneys is a partnership with the local governments and regional governments in the area. Discusses the local impact of determining projects that are important. Speaks to the constant lack of revenue in comparison to the transportation need.
250	Rep. Nelson	Asks how projects are evaluated.
331	Warren	Answers that contracts are awarded to the lowest bidder.
340	Rep. Rosenbaum	Asks if emergency clause were to stay in this bill would the \$25 million come out of projects that are already slated for construction.
372	Warren	Answers that if this \$25 million were to be spent this biennium that some projects could not be built.
400	Rep. Zauner	Asks about jurisdictional transfers.
410	Warren	States that ODOT welcomes jurisdictional transfers on highways that are not of statewide significance.
TAPE 60, B		
010	Andrea Fogue	League of Oregon Cities, (LOC). States support for the bill but expresses concern regarding who can arrive first with the cash.
020	John Oshel	Association of Oregon Counties, (AOC). Testifies that the concept of the bill is greatly supported. Suggests that for the sake of not eliminating projects that are slated for construction that this process be started 2-3 years from now.
060	Rep. Nelson	Asks if LOC and AOC ever evaluated the cost of projects.
080	Oshel	Answers that organizations are involved in this process and usually the project grows rather than shrinks.
100	Rep. Nelson	Asks if there is a task force on transportation and asks for names and addresses.
110	Oshel and Fogue	Answers yes that can be provided.
112	Chair Starr	Closes public hearing and opens a public hearing on HB 3070.
<u>HB 3070 – PUBLIC HEARING</u>		
114	John Leon	Reads synopsis of bill, which creates an agricultural transportation task force. States that there is a fiscal statement and that there is no revenue impact on this bill.
122	Jean Underhill-Wilkinson	Associate Director, Oregon Farm Bureau. Testifies in favor of this bill and submits written testimony (EXHIBIT E). States that this issue is very complex and impacts over 30,000 farm

		trucks in Oregon.
140	Mike Dewey	Oregon Wheat Growers League. Testifies in favor of this bill.
160	Glen Stonebrink	Oregon Cattlemen's Association. Testifies in favor of bill.
180	Rep. Kropf	States interest in being involved in the proposed task force. Asks if there are other states facing federal sanctions.
200	Dewey	States that this is hearsay, but that there could possibly be six or seven states similar to this regulation.
220	Rep Kropf	Asks how many states have been forced to come into compliance.
230	Dewey	States that he does not know but will get that information for the committee.
240	Rep. Kropf	Asks about international regulations.
246	Dewey	Answers that international regulations do not come into play regarding this bill.
255	Rep. Kropf	Asks if federal direction wants to ensure that trucks operating on federally funded highways are in compliance with standards.
260	Dewey	Responds that both state and county roads are impacted.
269	Wilkinson-Underhill	States that analysis needs to be done on this problem and that interpretation of problem is very broad and that the task force can facilitate solutions to these issues.
274	Rep. Verger	Comments on the patience and willingness on the part of the farming community to accommodate these questionable safety regulations.

TAPE 61, B

010	Chair Starr	Closes public hearing on HB 3070 and opens a public hearing on HB 3155.
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HB 3155 – PUBLIC HEARING

015	Leon	Reads synopsis of HB 3155 that requires child between four and six years of age or weighing between 40 and 60 pounds to be secured in child safety system that elevates child so seat belt properly fits child. States that there is no revenue impact, but that there is a fiscal impact on this bill.
020	Rep. Devlin	House Representative, District 24, Lake Oswego/Tualatin. Testifies on this bill and submits written testimony (EXHIBIT F).
050	Rep. Rosenbaum	Asks how the age and weight was determined. Asks why both an age and a weight restriction rather than just a weight restriction.
070	Rep Devlin	Answers that Washington selected to encourage people to use booster seats until the child is eight years of age and eighty pounds. States that some children are very large at a young age and this statute accommodates those physical characteristics.
080	Rep. Merkley	Asks about booster seats. Asks for statistical information about types of restraints.
110	Rep. Devlin	Answers that there is wide range of restraints. States that the bill requires that ODOT develop rules for these seats. States that most child seats are not rated for being safe for children over 4 years and 40 pounds.
120	Rep. Merkley	Asks about statistics comparing the use or non-use of seats in helping to curtail injuries.
125	Rep. Devlin	Responds that the exact data is lacking.
128	Rep. Nelson	Asks if manufacturers have been consulted.
133	Rep. Devlin	Answers that the best option is to elevate the child in the seat and the best way to do that is to use a booster seat.

139	Rep. Nelson	Asks if air bags or seat belts contributed to injuries and/or deaths. States that the statistics are very vague on this issue, but agrees that there have been injuries and deaths due to airbags and seatbelts. Discusses the changes in airbag usage in new cars and that most vehicles do not have airbags in the rear passenger seats.
145	Rep. Devlin	
170	Lisa Millet	Manager Injury Prevention and Epidemiology, Oregon Health Division. Testifies in support of this bill and provides written testimony (EXHIBIT G). Provides statistics regarding child fatalities/injuries in automobile crashes from 1989-1999, and the relation of these injuries/deaths to inadequate vehicle safety restraints.
200	Troy Costales	Safety Manager, Oregon Department of Transportation. Testifies favorably on this bill and submits written testimony (EXHIBIT H) and printed material (EXHIBIT I).
250	Rep. Rosenbaum	Asks if height as well as weight would be appropriate in determining guidelines for booster seats.
255	Costales	Answers that age and weight is much more accessible information for parents and grandparents.
260	Chair Starr	Closes public hearing on HB 3155. Reopens work session on HB 3065 in order to allow members to vote.

HB 3065 – WORK SESSION

269 Rep. Merkley

MOTION: Moves that the rules are suspended for the purpose of allowing absent members the opportunity to vote on HB 3065.

TAPE 62, A
025

Chair Starr

VOTE: 9-0

Hearing no objection declares the motion carried.

030

VOTE:

Devlin – AYE

Kropf – AYE

Rosenbaum – AYE

Nelson – AYE

040

Chair Starr

Adjourns meeting at 10:45 a.m.

Submitted By,

Reviewed By,

Kate Campeau,
Committee Assistant

John Leon,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 3065, Troy Costales, ODOT, written testimony, 1 p.**
- B – HB 3065, Oregon Student Safety on the Move (OSSOM), written testimony 9pp.**
- C – HB 3075, Bruce Warner, Director, Oregon Dept. of Transportation, written testimony, 1 p.**
- D – HB 3075, Jacob Brostoff, 1000 Friends of Oregon, written testimony, 1 p.**
- E – HB 3070, Jean Underhill-Wilkinson, Oregon Farm Bureau, written testimony, 4 pp.**
- F – HB 3155, Rep. Richard Devlin, House District 24, written testimony, 1 p.**
- G – HB 3155, Lisa Millet, Oregon Health Division, written testimony, 2 pp.**
- H – HB 3155, Troy Costales, ODOT, written testimony, 4 pp.**

I – HB 3155, Troy Costales, ODOT, printed material, 1 pp.