

HOUSE COMMITTEE ON TRANSPORTATION

March 28, 2001
8:30 AM

Hearing Room D
Tapes 74-76

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. Joanne Verger
Rep. Cliff Zauner

MEMBER EXCUSED: Rep. Diane Rosenbaum

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

MEASURE/ISSUES HEARD: HB 2870 – Public Hearing
HB 3351 – Public Hearing
HB 3355 – Public Hearing
HB 3075 – Work Session

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 74, A		
004	Chair Starr	Calls meeting to order at 8:32 a.m. Opens a public hearing on HB 2870.
<u>HB 2870 – PUBLIC HEARING</u>		
006	John Leon	Committee Administrator. Reads synopsis of HB 2870, which requires the Department of Transportation to transfer ownership and control of a portion of a state highway to the city or county upon request of the city or county. Introduces –1 Amendment (EXHIBIT A). States that there is a fiscal statement but no revenue impact.
015	Tom Mann	Highway 214 Alliance, formerly known as Concerned Business Owners of 214. States that he is the drafter of this bill. Reads from written testimony (EXHIBIT B). Details that the bill mandates the transfer of any portion of a state highway to a requesting municipality's request. Second, it transfers with that road preservation and maintenance money from ODOT, and third, it allows new road improvements on the transferred highway to be done to the specifications of the local municipality.
100	Rep. Zauner	States that negotiations with ODOT are challenging and speaks to the possible solutions.
150	Rep. Verger	Asks which formula will be adopted.
155	Mann	Answers that he prefers the original bill.
157	Rep. Verger	States that partnership should always be equal and this bill is

weighted heavily on the side of local government. Contributes that in her mayorial experience ODOT was always extremely cooperative and very fair to local government.

170 Mann Agrees with Rep. Verger that bill is not perfect. Also agrees that partnership definition needs to be looked at more closely.

190 Rep. Verger States that ODOT is not able to do jurisdictional change with all roads. States approval of the formula approach.

210 Rep. Zauner States that the -1 amendments came at request of the City of Woodburn.

220 Rep. Brown Asks definition of state highway and if there is any impact of federal funding. Asks if there is anything in the bill to ensure that funds are dedicated funds.

240 Mann Answers that he cannot answer the first two questions and defers to ODOT. Continues that any money is intended to be dedicated funds. Talks about deferred maintenance, i.e., that any money came for ODOT for that state highway would be dedicated to that highway for preservation or improvement.

260 Rep. Rosenbaum Asks if under this system we would maintain uniform road standards and not a patchwork of standards. Talks about equal partnership language being deleted in the -1 amendment.

270 Mann Answers that City of Woodburn wanted to eliminate any dealings with ODOT; however, in the original bill consultation with ODOT was included. States preference of original bill for this reason.

300 Rep. Nelson Asks about funding.

320 Mann Answers that Senator George worked up this formula and that estimates are about \$8-10,000 per lane mile to maintain a road.

340 Rep. Nelson Asks about the process.

366 Mann Answers that the bill was written broadly to accommodate the process. States that he is here today to start the discussion.

378 Rep. Nelson Asks about accountabilities and responsibilities for contracting work to be done. Talks about government contracting rules.

420 Mann Answers that public and private partnerships would mean access to decisions.

440 Rep. Kropf States that in the fiscal analysis ODOT makes a point that it would be in local government's best interest to wait until the project is completed and requests ownership of that project. Asks about process of establishing ownership of a project.

480 Doug Tindall Maintenance Engineer, ODOT. Speaks on the effects of HB 2870. Submits written testimony (EXHIBIT B). Speaks to concerns ODOT has regarding this bill and the formula needed to implement the changes suggested. Talks about negotiating before the project is finished. Comments that formula method would smooth things out in one way but that it also takes away the flexibility to do transfers.

TAPE 75, A

040 Chair Starr Closes the public hearing on HB 2870. Opens a public hearing on HB 3351 and HB 3355.

HB 3351 & HB 3355 - PUBLIC HEARING

050 Rep. Rob Patridge State Representative, District 50. Testifies on HB 3351 and HB 3355. Speaks on task force bill. States that recommendations of the task force were not satisfactory.

HB 2870 – PUBLIC HEARING

110 Rep. Nelson Asks what the price is per lane mile of state highways, referring

to county road out of Lafayette, connecting to Highway 240.
 Asks if \$215,000 a lane mile is the correct amount.
 110 Doug Tindall States that there is a very narrow right-of-way and therefore it is very difficult to make an estimation of cost.
 150 Chair Starr Asks if this bill is about the transfer of state roads to the county or city.
 160 Tindall Answers yes.
 170 Rep. Verger Asks what the advantage would be to ODOT if local jurisdiction would take over and ODOT would still be doing the maintenance.
 179 Tindall Says that ODOT would transfer a sum of money on an annual basis for the local entity to perform maintenance.
 188 Rep. Verger Asks if there would be an exchange of money at the beginning.
 190 Tindall States that the concern is that the formula would take away flexibility of establishing jurisdiction.
 200 Andrea Fogue League of Oregon Cites. Reads from written testimony **(EXHIBIT D)**. States that the formula is good in concept, but that the testimony heard from ODOT is correct in that it takes away jurisdictional flexibility on a case-by-case basis. Continues that only city or county is expressing desire to take over a project and that ODOT should have the same authority and option in order to be a full partner in this process.
 297 John Oshell Association of Oregon Counties. Testifies that the main problem is inadequate funding. Continues that jurisdictional transfers are extremely complex and that when funding is tight things get really creative. Concludes that transfers should be mutually agreeable to both parties.

TAPE 74, B

040 Chair Starr Asks how much money the City of Woodburn has put up in order to work with ODOT.
 060 Fogue Answers that she does not know.
 070 Chair Starr Asks if this is a change in position with Woodburn.
 080 Fogue Answers no.
 090 Chair Starr Asks if the letter from Mayor Jennings is based on the bill as in its original form or as amended.
 100 Fogue Answers that it is based on the bill including the amendments.
 136 Rep. Verger Reflects that red lights are indeed safety issues and that there are many areas in need throughout the state; however, this committee needs to address the funding for ODOT so that they are able to do the job that they are people want them to do.
 150 Rep. Nelson Counters that the administrative rules need to be removed.
 160 Chair Starr Closes the public hearing on HB 2870 and opens a public hearing on HB 3351.

HB 3351 – PUBLIC HEARING

180 Leon Gives an overview of HB 3351.
 200 John Strahl Director of Roads, Parks and Planning, Jackson County. Reads from written testimony **(EXHIBIT E)**. Discusses current statutes that result in inequitable and inefficient management of the road system, primarily county roads within city limits.
 260 Rep. Kropf Points out that current law allows for this.
 263 Strahl Replies that current law only allows for the transfer to take place basically at the city's request. Continues that there are many more roads that have not been transferred and that unless the city takes steps to make it happen, it will not happen.

300	Rep. Devlin	Asks how Jackson County would feel about being mandated to transfer funds when roads are transferred.
320	Strahl	Answers that funds are transferred in Jackson County.
330	Rep. Devlin	Asks if Jackson County is unique in this practice.
340	Strahl	States that it is fiscally impossible for some counties to do this.
350	Rep. Merkley	Asks for clarification as to why all of the streets are transferred.
360	Strahl	Answers that it varies with each city.
400	Mike McKillip	City Engineer, City of Tualatin. Reads from written testimony (EXHIBIT F) . States that acceptance of roads has many issues and considerations. Details the reasons why a city would accept jurisdiction of a road. States his opposition to the bill.

TAPE 75, B

050	Chair Starr	States sensitivity to relationships between cities and counties.
060	Rep. Devlin	Asks if through traffic is relatively heavy and if it is primarily truck traffic.
080	McKillip	Answers that there is an extremely large amount of truck traffic passing through Tualatin.
100	Roger Martin	City of Medford. States her opposition to the bill.
130	Chair Starr	Closes public hearing on HB 3351 and opens a public hearing on HB 3355.

HB 3355 – PUBLIC HEARING

133	Leon	Gives the committee an overview of the bill.
150	Strahl	Speaks briefly on this bill and its effect on Jackson County and submits written testimony (EXHIBIT G) . States that this bill would allow for the creation of combined road maintenance of state highways and county roads in the areas where the counties and the ODOT maintenance district choose to create such an entity.
170	John Watt	States that there are amendments with this bill. States that language with regards to administration needs to be included.
200	Tindall	Reads from written testimony (EXHIBIT H) .
240	Rep. Verger	Asks Tindall to comment on his statement that cooperation can be legislated.
250	Tindall	Responds that his comment was referring to creating a new governmental entity. States that existing law makes it difficult to take the next step. Continues that the Accounting Section and the Department of Justice are very good at their jobs protecting the state, but perhaps not so good at protecting the public's interest. Agrees that cooperation cannot be legislated. Offers that barriers can be removed to allow people to cooperate.

TAPE 76, A

050	Rich Peppers	Oregon Public Employees Union. Testifies in opposition to the bill and submits written testimony (EXHIBIT I) .
070	Chuck Logan	Jackson County Roads and Parks. States that employees express concern about this type of bill and its impact on further employment and benefits.
088	Russ Peterson	Highway Maintenance, ODOT. States that this bill would impact accounting and budgeting systems, operational emergency responses, and the safety of employees. Details that the bill would create a new layer of local government and create a forced-merge situation. States that partnering needs to be expanded and explored.
120	Rep. Kropf	Asks if there would be a loss in jobs.
130	Peterson	Answers no because the department is already understaffed.

136	Chair Starr	Closes public hearing on HB 3355 and opens a work session on HB 3075.
<u>HB 3075 – PUBLIC HEARING</u>		
140	Sen. Starr	MOTION: Moves HB 3075 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
144	Rep. Merkley	States that he supports passing HB 3075 on to Ways and Means but without a do pass recommendation.
160		VOTE: 6-1-2 AYE: Brown, Devlin, Kropf, Starr, Verger, Zauner NAY: Merkley EXCUSED: Rosenbaum ABSENT: Nelson
165	Chair Starr	The motion CARRIES. Closes the work session on HB 3075 and adjourns the meeting at 10:38 a.m.

Submitted By,

Reviewed By,

Kate Campeau,
Administrative Support

John Leon,
Administrator

EXHIBIT SUMMARY

- A – HB 2870, -1 amendments, submitted by staff, 1 p. (MISSING)**
- B – HB 2870, Tom Mann, Highway 214 Alliance, written testimony, 2 pp.**
- C – HB 2870, Doug Tindall, ODOT, written testimony, 2 pp.**
- D – HB 2870, Mayor Richard Jennings, written testimony, 2 pp.**
- E – HB 3351, John Strahl, Jackson County, written testimony, 2 pp.**
- F – HB 3351, City of Tualatin, written testimony, 2 pp.**
- G – HB 3355, Jackson County, written testimony, 2 pp.**
- H – HB 3355, Doug Tindall, ODOT, written testimony, 2 pp.**
- I – HB 3355, OPEU, written testimony, 4 pp.**