

# HOUSE COMMITTEE ON TRANSPORTATION

April 16, 2001  
8:30 A.M.

Hearing Room D  
Tapes 90 - 91

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

**MEMBER EXCUSED:**

**STAFF PRESENT:** John Leon, Committee Administrator  
Kevin Wells, Committee Assistant

**MEASURE/ISSUES HEARD:** HB 3885 Public Hearing and Work Session  
HB 3206 Public Hearing and Work Session  
HB 3069 Public Hearing  
HB 2585 Work Session  
HB 2741 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>
<b>TAPE 90, A</b>		
003	Chair Starr	Calls the meeting to order at 8:35 a.m. Opens a public hearing on HB 3885.
<b><u>HB 3885 PUBLIC HEARING</u></b>		
007	John Leon	Committee Administrator. Reviews HB 3885 and current prohibition against self-service of motor vehicle fuel at retail fuelling stations.
024	Wayne Schumacher	Supports HB 3885 ( <b>EXHIBIT A</b> ). Compares fuelling of motorcycles with automobiles. Notes that damage can occur if one is not careful when fueling a motorcycle. Reports that many gas station owners support this change.
075	Mel Yeager	Secretary Treasurer, BikePAC Oregon. Supports HB 3885 ( <b>EXHIBIT B</b> ). Stresses that this allows for assisted service at gas stations rather than self-services.
098	Iris Yeager	Supports HB 3885 ( <b>EXHIBIT C</b> ). Insists that this is necessary for the safety of motorcyclists and their motorcycles.
109	Rep. Verger	Asks why it is illegal for motorcyclists to fuel their own motorcycles.
111	M. Yeager	Discusses legal issues of motorcyclists fueling their own motorcycles.
118	Rep. Verger	Asks if the current prohibition against self-service at gas stations covers everyone without distinction as to the type of vehicle

		being fuelled.
120	M. Yeager	Acknowledges that is correct.
130	Pat Ryan	Supports HB 3885. Illustrates with personal experiences the need for this measure ( <b>EXHIBIT D</b> ).
166	Chris Turek	Testifies on behalf of Rep. Carl Wilson, House District 49. Supports HB 3885 ( <b>EXHIBIT E</b> ).
211	James Brassfield	Supports HB 3885 ( <b>EXHIBIT F</b> ). Relates experience where a gas station attendant caused damage to his motorcycle by over-filling.
260	Brassfield	Uses visual aid to explain the damage that occurred.
301	Ken Ray	Executive Director, BikePAC Oregon. Urges passage of HB 3885.
306	Chair Starr	Closes the public hearing on HB 3885. Opens a work session on HB 3885.

**HB 3885 WORK SESSION**

307	Rep. Merkley	<b>MOTION: Moves HB 3885 to the floor with a DO PASS recommendation.</b>
309		<b>VOTE: 9-0</b>
	Chair Starr	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
		<b>REP. ZAUNER will lead discussion on the floor.</b>
325	Chair Starr	Closes the work session on HB 3885. Opens a public hearing on HB 3206.

**HB 3206 PUBLIC HEARING**

330	Leon	Explains HB 3206. Notes fiscal impact.
341	Rep. Tom Butler	House District 60. Supports HB 3206. Discusses the sign by the highway for the cultural center in Ontario.
<b>TAPE 91, A</b>		
005	Rep. Butler	Explains the need for HB 3206. Addresses the fiscal impact. Suggests that Oregon not take the lead from the federal government on this.
047	Rep. Verger	Asks what makes the cultural center's sign illegal.
049	Rep. Butler	Replies that the problem is a very narrow legal interpretation of state and federal regulations.
059	Chair Starr	Asks for clarification that the sign is illegal because the cultural center does not own the land where the sign is located.
060	Rep. Butler	Agrees with Chair Starr. Provides further details of the situation.
068	Rep. Devlin	Relates similar situations in his district. Advises that penalties for breaking the federal requirement can be severe.
086	Chair Starr	Suggests that state highways should not have the same restrictions as interstate freeways.
091	Rep. Verger	Distinguishes between nonprofit organizations' and commercial signs. States that the legal interpretation lacks commonsense.
102	Rep. Butler	Explains that the cultural center's reader board does not advertise commercial events and is located on nonprofit private property.
150	Rep. Rosenbaum	Expresses concern about the unfunded mandate aspect of the fiscal impact as well as the loss of federal funds.
160	Rep. Butler	Replies that he does not want to have federal funding issues determine how cities post signs. Agrees that unfunded mandates need to be reviewed carefully. Suggests turning this into a Joint Memorial.
177	Rep. Zauner	Reviews the case of a sign in his district at Volcano State. Asks how that differs from Rep. Butler's case.
188	Rep. Merkley	Asks for a creative solution to the problem if HB 3206 does not

		move.
197	Rep. Butler	States that a solution should be possible. Explains the process for transferring the highway to the city. Adds that the city manages it now.
226	Rep. Brown	Asks if the highway is in the city limits of Ontario.
229	Rep. Butler	Explains the placement of the state highway in Ontario.
244	Rep. Brown	Asks why city ordinance does not prevail.
249	Rep. Butler	Stresses that city ordinance should prevail. Reviews transfer of the highway to the city and related issues.
287	Rep. Nelson	Comments on the regulation of signs on state highways. Suggests that the sign should be allowed to exist.
306	Rep. Butler	Agrees that a solution can be found to keep the sign up.
340	Alan Lightner	Oregon Department of Transportation (ODOT) Right of Way Project Administration. Outlines ODOT's jurisdictional concerns with HB 3206 ( <b>EXHIBIT G</b> ). Offers a federal solution. Stresses that the problem is federal regulation.
<b>TAPE 90, B</b>		
001	Chair Starr	Suggests that the committee request that the federal regulation be changed. Asks about two new billboards on Highway 26.
013	Lightner	Explains how billboards are placed and managed. Explains state and federal regulations. Proposes that the signs in questions are waiting for the state to step in so they can test the regulations.
028	Rep. Zauner	Asks why it is legal for Volcano State Park to host a sign for the Oregon Gardens.
030	Lightner	Answers that he does not know.
033	Rep. Zauner	Asks if the cultural center owned the property would the sign be legal.
035	Lightner	Indicates that would solve the problem.
040	Rep. Devlin	Asks if the basis of the federal requirement is to reduce the number of "sign-farms" on freeways.
054	Lightner	Agrees with Rep. Devlin.
060	Rep. Merkley	Asks if the designation of the road as a state highway was changed to a city street would the problem remain because of federal regulations.
063	Lightner	Answers yes. Explains the federal policy on highways that received federal aid prior to 1991 or are on the National Highway System now.
065	Rep. Merkley	Asks if transferring the state highway to the city will solve the problem.
066	Lightner	Emphasizes that it will not solve the problem, as it is a federal issue.
075	Rep. Merkley	Asks if the road has a federal designation.
076	Lightner	Discloses that the road does have a federal urban aid designation.
086	Chair Starr	Closes the public hearing on HB 3206. Opens a work session on HB 3206

**HB 3206 WORK SESSION**

088	Chair Starr	Explains that Rep. Butler will work further on the measure.
097	<b>Rep. Devlin</b>	<b>MOTION: Moves HB 3206 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.</b>
099		<b>VOTE: 8-0</b>
	<b>Chair Starr</b>	<b>EXCUSED: 1 - Kropf</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>

103 Chair Starr Closes the work session on HB 3206. Opens a public hearing on HB 3069.

**HB 3069 PUBLIC HEARING**

105 Leon Explains HB 3069 and the -1 amendment (**EXHIBIT H**).  
125 Scott West Oregon Lodging Association. Supports HB 3069 (**EXHIBIT I**). Provides background information. Explains the -1 amendments.  
165 West Offers to provide further amendments. Outlines those amendments.  
171 Doug Tindall Maintenance Engineer, ODOT. Supports HB 3069. Agrees that ODOT has adversely impacted businesses and has worked to remedy the problem. Discusses HB 3069 and the proposed amendments.  
196 Rep. Zauner Asks which signs HB 3069 will affect.  
199 West Explains which signs HB 3069 will affect.  
217 Rep. Nelson Asks if HB 3069 with the -1 amendments remove penalties.  
220 West Acknowledges that is true. Notes that other penalties still exist.  
226 Rep. Nelson Asks if the other penalties are referenced in HB 3069.  
227 West Concedes that those penalties are not in HB 3069 though they do exist.  
232 Tindall Explains that the penalties are in ODOT's standard specification provisions, which regulate ODOT contractors.  
237 Rep. Zauner Asks if ODOT can pass the fines to the affected businesses.  
239 Tindall Asserts that ODOT cannot legally direct funds from fines to businesses.  
241 Chair Starr Closes the public hearing on HB 3069. Opens a work session on HB 2585.

**HB 2585 WORK SESION**

243 Rep. Starr **MOTION: Moves HB 2585 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.**  
247 Rep. Merkley Expresses concern with sending Ways and Means HB 3069 with a do pass recommendation.  
259 Chair Starr States that a do pass recommendation sends a message.  
265 **VOTE: 5-3**  
**AYE: 5 - Devlin, Kropf, Nelson, Zauner, Starr**  
**NAY: 3 - Brown, Merkley, Rosenbaum**  
**EXCUSED: 1 - Verger**  
**The motion CARRIES.**  
284 Chair Starr Closes the work session on HB 2585. Opens a work session on HB 2741.

**HB 2741 WORK SESSION**

285 Rep. Starr **MOTION: Moves HB 2741 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**  
290 Rep. Merkley Reiterates concerns with sending such measures to Ways and Means with recommendations.  
295 **VOTE: 5-3**  
**AYE: 5 - Devlin, Kropf, Nelson, Zauner, Starr**  
**NAY: 3 - Brown, Merkley, Rosenbaum**  
**EXCUSED: 1 - Verger**  
**Chair Starr The motion CARRIES.**

Submitted By,

Reviewed By,

Kevin Wells,  
Committee Assistant

John Leon,  
Committee Administrator

**EXHIBIT SUMMARY**

- A – HB 3885, written testimony, Wayne Schumacher, 2 pp.**
- B – HB 3885, written testimony, Mel Yeager, 1 p.**
- C – HB 3885, written testimony, Iris Yeager, 1 p.**
- D – HB 3885, written testimony, Ken Ray, 1 p.**
- E – HB 3885, written testimony, Chris Turek, 1 p.**
- F – HB 3885, written testimony, James Brassfield, 1 p.**
- G – HB 3206, written testimony, Alan Lightner, 1 p.**
- H – HB 3069, LC amendment (4/13/01), staff, 1 p.**
- I – HB 3069, written testimony, Scott West, 1 p.**
- J – HB 3069, written testimony, Doug Tindall, 1 p.**