

**SENATE COMMITTEE ON GENERAL GOVERNMENT AND
TRANSPORTATION**

April 10, 2001 Hearing Room 343
3:00 pm Tapes 78 - 81

MEMBERS PRESENT: **Sen. Gary George, Chair**
 Sen. Rick Metsger, Vice-Chair
 Sen. Margaret Carter
 Sen. Bev Clarno
 Sen. Ken Messerle

STAFF PRESENT: **Patrick Balducci, Administrator**
 Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:
 SB 85 Work Session
 SB 707 Public Hearing
 SB 938 Work Session
 SB 217 Work Session
 SB 578 Public Hearing
 SB 699 Public Hearing
 SB 933 Work Session
 SB 174 Public Hearing
 SB 24 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.

TAPE/#	Speaker	Comments
TAPE 78, A		
004	Sen. Gary George	Chair. Opens meeting at 3:17 pm. Opens work session on SB 85.
SB 85 WORK SESSION		
011	Patrick Balducci	Committee Administrator. Explains the -5 amendments to SB 85 (EXHIBIT A).
019	Sen. Metsger	MOTION: Moves to ADOPT SB 85-5 amendments dated 4/12/01.
020		VOTE: 4-0 EXCUSED: 1 - Clarno Hearing no objection, declares the motion CARRIED.
022	Chair Sen. Metsger	MOTION: Moves SB 85 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 3-1 AYE: 3 - Carter, Metsger, George NAY: 1 - Messerle EXCUSED: 1 - Clarno
023	Chair	The motion CARRIES. SEN. METSGER will lead discussion on the floor.
024	Sen. Messerle	Explains his no vote on SB 85.
025	Chair George	Closes work session. Opens public hearing on SB 938.
SB 938 PUBLIC HEARING		

035	Balducci	Explains SB 938. Explains the –1 amendment (EXHIBIT M) .
050	Sen. Ginny Burdick	District 6. Introduces Mr. Newman and Mr. Hess. Gives statistics on pedestrians being struck by vehicles in crosswalks. Explains the –1 amendments clarify the bill. Supports SB 938-1.
100	Brian Newman	Willamette Pedestrian Coalition. Explains dangers pedestrians face walking. Every year about 600 pedestrians are involved in accidents with 50 fatalities at crosswalks. Failure of vehicles to yield at crosswalks is an issue in 70 percent of these accidents (EXHIBIT B) .
133	Patrick Hess	Lieutenant, Hillsboro Police Department. Supports SB 938. Describes how drivers react to pedestrians. Describes safety education. States that SB 938 is specific and will clarify the law.
183	Sen. Carter	Comments that pedestrians face danger in using crosswalks.
200	Troy Costales	Manager, Transportation Safety Division, ODOT. Explains ODOT’s position on SB 938. Describes education on crosswalk right of way (EXHIBIT L) .
210	Rick Waring	ODOT Safety Division. Supports SB 938. SB 938 is similar to the state of Washington’s law. SB 938 will provide more safety to pedestrian and provide drivers with more instructions in how to drive. Calls this issue the “silent” problem.
289	Sen. Messerle	Relates a personal experience when an auto almost hit him crossing the street in front of the Capitol.
304	Sen. Clarno	Describes accidents in cross walks.
308	Vice Chair Metsger	Closes public hearing on SB 938. Opens work session
SB 938 WORK SESSION		
310	Sen. Clarno	MOTION: Moves to ADOPT SB 938-1 amendments dated 4/9/01.
		VOTE: 4-0
		EXCUSED: 1 –Sen. George
311	Vice Chair Metsger	Hearing no objection, declares the motion CARRIED.
313	Sen. Clarno	MOTION: Moves SB 938 be sent to the floor with a DO PASS
		AS AMENDED recommendation.
314		VOTE: 4-0
		EXCUSED: 1 – Sen. George
315	Vice Chair Metsger	Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
316	Vice Chair Metsger	Closes work session. Opens public hearing on SB 217.
SB 217 PUBLIC HEARING		
317	Balducci	Explains SB 217.
320	Mike Marsh	ODOT. Supports SB 217. Recognizes that motor carriers and rail areas are important elements of the department and should be equally treated (EXHIBIT C) .
325	Vice Chair Metsger	Closes public hearing. Opens work session on SB 217.
SB 217 WORK SESSION		
327	Sen. Clarno	MOTION: Moves SB 217 to the floor with a DO PASS recommendation.
328		VOTE: 4-0
		EXCUSED: 1 - Sen. George
329	Vice Chair Metsger	Hearing no objection, declares the motion CARRIED.
		SEN. DUKES will lead discussion on the floor.
330	Vice Chair Metsger	Closes work session. Opens public hearing on SB 933.
SB 933 PUBLIC HEARING		

335	Balducci	Explains SB 933.
340	John Oshel	Explains that they are waiting for witnesses to get there for SB 933.
341	Vice Chair Metsger	Closes public hearing on SB 933. Opens public hearing on SB 174.
SB 174 PUBLIC HEARING		
345	Balducci	Explains SB 174. Explains the –1 and –2 amendments (EXHIBIT N) .
TAPE 79, A		
010	Ken McDermott	Emerald Services, Inc., a landscape maintenance company. Explains the –1 amendments were his. They add the safety factor of amber lights on vehicles.
050	Doug Tindall	Maintenance Engineer, ODOT. States he has not had time to study the amendments. Says ODOT promotes cooperation with volunteer help (EXHIBIT D) .
075	Sen. Clarno	Comments on volunteer effort and safety.
090	Sen. Carter	Asks why a bill is needed to authorize volunteer help.
092	Tindall	Says ODOT cannot recognize volunteers with a sign now.
100	Sen. Carter	Asks the cost of recognizing volunteers by signs.
112	Vice Chair Metsger	Says the concerns will be addressed and the bill referred to later.
119	Chair George	Closes public hearing on SB 174. Opens SB 707 public hearing.
SB 707 PUBLIC HEARING		
122	Balducci	Explains SB 707.
130	Eric Winters	Attorney, Portland. Thanks the chair for sponsoring this bill. Explains why this bill was established (EXHIBIT E) .
166	Winters	Continues discussing hate crimes and violence that resulted in this bill.
180	Chair George	Discusses intent of persons committing hate crimes.
208	Andrea Meyer	American Civil Liberties Union (ACLU), Director in Oregon. Opposes SB 707. Article I Section 20 of the Oregon constitution are violated.
225	Bill Houser	Oregon Criminal Defense Lawyers Association. Opposes SB 707. Explains that the association is not in favor of any special classification of victims when it comes to criminal activity.
250	Chair George	Comments that “intent” is the important factor in committing a crime. Closes public hearing on SB 707. Opens public hearing on SB 933.
SB 933 PUBLIC HEARING		
260	Balducci	Explains SB 933.
270	Judge Mike McCarthur	Sherman County. Chair, Lower John Day Regional Partnership, sponsor of SB 933. Explains services provided by counties. Explains the need for rural counties to get together on transportation improvements and attempt to issue general obligation bonds by the vote. SB 933 asks for that authority in counties.
295	Commissioner John Arens	Hood River Commissioner Chair. Executive Director, Mid-Columbia Council of Governments. Explains the need for SB 933.
310	Rob Meyers	Speaking for Judge Laura Pryor of Gilliam County. Supports SB 933.
323	Sen. Clarno	Supports SB 933.
325	Sen. Messerle	Supports SB 933.
TAPE 78, B		
020	Sen. Ferrioli	Explains that counties complain about how statewide

		transportation improvement plan (STIP)s get set. States SB 933 will help counties address projects.
040	Sen. Messerle	Asks if this applies to toll roads.
047	Chair George	Comments on the idea of local buy-in or benefit cost analysis.
063	Sen. Ferrioli	Describes farm to market roads where overloads of trucks exist.
074	Sen. Clarno	Asks if there is opposition.
076	Jacob Brostoff	1000 Friends of Oregon. Explains their concerns with SB 933. Describes the need for a balanced transportation system. Concern is with process and with policy direction. Believes the voters should speak on the change of governmental systems (EXHIBIT F) .
130	Sen. Clarno	States that safe transportation of food products in eastern Oregon counties is important. Good roads there are essential.
138	Andrea Fogue	League of Oregon Cities. Supports SB 933. Believes SB 933 will be helpful to transportation funding. The league is still working with the counties on details.
144	Chair George	Closes public hearing. Opens work session on SB 933.
SB 933 WORK SESSION		
290	Sen. Carter	MOTION: Moves SB 933 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Revenue by prior reference.
146		VOTE: 5-0
147	Chair	Hearing no objection, declares the motion CARRIED.
148	Chair George	Closes work session. Opens public hearing on SB 578.
SB 578 PUBLIC HEARING		
149	Balducci	Explains SB 578 and the –1 amendments.
275	Mike Dewey	Waste Management. Explains the –1 amendments. Discusses how truck tire size relates to refuse collection. Discusses possible amendments to clarify.
280	Nate Graham	Waste Management. Describes different sizes of tires. The 315-80 tire is legal in California, not in Oregon. More uniformity between states is needed. Damage to the roadway by the 315-80 is not known.
285	Dewey	Explains the tires performance and affect on highways. Emphasizes safety for drivers and the environment.
288	Chair George	Asks about the amendments.
290	Dewey	Explains the concerns on SB 578.
305	Christin Mitchell	Oregon Refuse and Recycling Association. Agrees with the amendments proposed. Supports maintenance of city and county roads. Supports driver and truck safety. States the smaller tires are more environmentally friendly.
Tape 79, B		
050	Dewey	Corrects the statement made earlier about the drafted bill and says that initially it was correct as requested.
051	John Oshel	Association of Oregon Counties (AOC). Describes road damage caused by these tires. Concerned about the loads carried and damage to roads. Asks for an alternative way to collect for damage by these heavy loads.
080	Andrea Fogue	Supports Oshel’s statements.
085	Chair George	Comments on problems in Dundee, Oregon. Asks if there are studies to support this bill. Closes public hearing. Opens public hearing on SB 377.

SB 377 PUBLIC HEARING

100	Balducci	Explains SB 377.
110	Jon Stubenvoll	Oregon Liquor Control Commission (OLCC). Explains why SB 377 is important. Exempts from public disclosure private information about liquor store agents (EXHIBIT G).
171	Tom Gallagher	Oregon Newspaper Publishers Association. Asks for time to develop language with OLCC to clarify this bill.
182	Vice Chair Metsger	Closes public hearing. Opens public hearing on SB 641.
SB 641 PUBLIC HEARING		
190	Balducci	Explains SB 641
200	Nan Heim	Oregon State Ambulance Association. Supports SB 641.
222	Bob Manning	Pacific West Ambulance, Newport. Explains SB 641 would mend the exclusionary flaw in statute. Provides 911 service. Explains rules in operating ambulances through traffic. Describes the use of traffic signal preemption devices called Opticom (EXHIBIT H).
269	Sen. Carter	Asks if the traffic flow is changed when ambulances pass through cities.
272	Manning	Describes the ambulance strobe light that causes changes in traffic signals.
283	Sen. Messerle	Asks how this would work with fire trucks.
285	Manning	Explains secondary signals and priorities at signals.
304	Sen. Messerle	Comments that fire trucks are heavier and take more time to stop.
309	Heim	Responds that the devices are sensitive and cannot trigger two vehicles at the same time.
310	Manning	Describes that emergency vehicles still have to slow at intersections and control the vehicle. Explains the strobe fires.
315	Sen. Messerle	Asks about police cars.
325	Manning	Answers some police cars do. Police cars are smaller and on back streets can operate without Opticom (traffic signal preemption devices).
TAPE 80,A		
035	Doug Tindall	Supports the previous testimony.
050	Sen. Carter	Explains the City of Portland has some questions that could be addressed on the House side..
055	Sen. Metsger	Asks what the concerns are.
057	Susan Schneider	City of Portland. Also on behalf of the League of Oregon Cities. Explains concerns are that the traffic system is tied together in one system in Portland and asks what affect the preemptions have on the system. The League asks if liability issues are affected by the system. Regarding Opticom's use with heavy vehicles and ambulances being a lighter vehicle, why should it be used with ambulances.
085	Chair George	Closes public hearing on SB 641. Opens public hearing on SB 699.
SB 699 PUBLIC HEARING		
092	Balducci	Explains SB 699.
127	Tom Mann	Supports SB 699. Explains what this bill does. Describes the Highway 214 Alliance in Woodburn that worked on this issue. Says this bill has possibilities with amendments.
183	Chair George	Comments on Woodburn's response to the school crossing problem.
187	Balducci	Explains that the work group on alternative highway financing investigated this issue and had several concerns and possible

240	Doug Tindall	recommendations to the bill. ODOT. Explains problems with SB 699. There is concern about the formula proposed. Explains the intent is to streamline the process. ODOT's concern is that locals have options but ODOT does not have options (EXHIBIT I) .
313	John Oshel	Association of Oregon Counties. Intent of SB 699 is good, however, the concern is that one party has the authority to dictate. Maintenance of the roads and the formula are difficult.
245	Andrea Fogue	League of Oregon Cities. Discusses flexibility of local government is needed. HB 2870 is an identical bill by Rep. Zauner and the City of Woodburn. There is not enough funding to cover jurisdictional changes.
300	Chair George	Mentions the length of time it takes local jurisdictions to make changes.
TAPE 81, A		
030	Oshel	Discusses problems in jurisdictional road decisions. Agrees that it is unfair for one side or the other to mandate expenditures.
047	Sen. Carter	Discusses the problem of the formulary within ODOT as a basis for costs. Commends cities and counties for their concern in how programs are decided.
090	Sen. Messerle	States the STIP program does not have enough funds to meet all its projects.
095	Chair George	Closes public hearing on SB 699. Opens public hearing on SB 24.
SB 24 PUBLIC HEARING		
102	Balducci	Explains SB 24.
109	Doug Tindall	ODOT. Suggests amending the bill by giving authority to open private roads to all the road authorities rather than the department (EXHIBIT J) .
124	Chair George	Closes public hearing. Opens public hearing on SB 737.
SB 736 PUBLIC HEARING		
128	Balducci	Explains SB 737. Explains bond ratings.
228	Mike Marsh	ODOT. Supports SB 737. Garvey bonds are a little more expensive than state bonds. Some federal appropriation risk exists that does not at the state level. Says other states doing Garvey bonds do so for specific reasons. In Oregon, it is more cost effective to bond within the state (EXHIBIT K) .
232	Chair George	Asks about future federal monies backed by the state.
238	Marsh	Answers if federal funding for maintenance and preservation is met, then a potential for using money for modernization would be looked at. Within the current budget the needs for preservation and maintenance cannot be met.
251	Chair George	Asks what the annual construction cost is projected per year.
255	Marsh	Estimates it varies from 9 percent to 15 percent per year.
270	Balducci	Asks if the state issued a billion dollars in bonds for modernization projects tomorrow, could ODOT build the billion dollars worth of projects?
275	Marsh	Answers the additional capacity would have to be determined.
280	Chair George	Closes public hearing. Adjourns 6:00 pm.

Submitted By,

Reviewed By,

Nancy Masee,
Committee Assistant

Janet Adkins,
Administrator
House Student Achievement &
School Accountability Committee

EXHIBIT SUMMARY

- A – SB 85, news article, Senator George, 1 p**
- B – SB 938, written testimony, Brian Newman, 3 pp**
- C – SB 217, written testimony, Mike Marsh, 1 p**
- D – SB 174, written testimony, Doug Tindall, 1 p**
- E – SB 707, written testimony, Eric Winters, 1 p**
- F – SB 933, written testimony, Jacob Brostoff, 1 p**
- G – SB 377, written testimony, Jon Stubenvoll, 1 p**
- H – SB 641, written testimony, Bob Manning, 2 pp**
- I – SB 699, written testimony, Doug Tindall, 2 pp**
- J – SB 24, written testimony, Doug Tindall, 1 p**
- K – SB 737, written testimony, Mike Marsh, 2 pp**
- L – SB 938, written testimony, Troy Costales, 1 p**
- M – SB 938, -1 amendments, staff, 2 pp**
- N – SB 174, -1 and -2 amendments, staff, 10 pp**