

**SENATE COMMITTEE ON GENERAL GOVERNMENT AND
TRANSPORTATION**

April 12, 2001 Hearing Room 343
3:00 pm Tapes 82- 85

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

MEMBER EXCUSED: **Sen. Margaret Carter**
 Sen. Bev Clarno

STAFF PRESENT: **Patrick Balducci, Administrator**
 Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD:
 Overview of Highway Cost Allocation Study Work Group
 SB 244 Public Hearing
 SB 421 Public Hearing
 SB 634 Public Hearing
 SB 909 Public Hearing
 SB 862 Public Hearing
 SB 633 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 82 , A		
005	Sen. Gary George	Chair. Opens informational meeting on Highway Cost Allocation Study.
025	Loyd Henion	President,Integrated Transportation Systems. Introduces John Merriss, ODOT and other members of the Highway Cost Allocation Study Work Group. Gives overview of the work study group and their findings (EXHIBIT A).
045	Henion	Gives recommendations of the work group. Work group recommends that the Highway Cost Allocation Study (HCAS) be conducted every four years.
095	Sen. Messerle	Comments that the study was sent previously to Department of Administrative Services (DAS) and wonders why it has been changed back to the Department of Transportation (ODOT).
100	Henion	Replies that study was moved from ODOT to DAS for more open review. However, the work group believes the process should have a good balance between ODOT's expertise and other influences.
120	Sen. Messerle	Comments that consideration should be taken that the study has not been with DAS all that long.
150	Balducci	Explains that DAS felt they had no technical expertise in transportation. A study review team and consultants were selected by DAS to do the highway cost allocation study.
180	Sen. Messerle	Asks if there was a peer review of the DAS report. Was there a

public hearing?

200 Chair George Explains the issues that ODOT and DAS dealt with to try to be fair in their decisions.

205 Balducci Remarks there is no official peer review mechanism. The work group expressed concern over elements of the study.

210 Sen. Messerle Asks for clarification on information and if it is from the DAS study.

212 Chair George Answers that the information is to help measure trends. Explains the charts and graphs.

215 Balducci Explains the information from ODOT. The historical information is from previous highway cost allocation studies.

220 Sen. Messerle Asks about the difference between heavy vehicle miles traveled and light vehicle travel.

222 Chair George Answers that there is a direct relationship between vehicle miles traveled (VMT) and revenue because of little change in rate. Explains the charts.

225 Balducci Further explains charts in the study.

230 Sen. Messerle Asks if heavy vehicle calculations (VMT) are measured by the power unit or by number of axles on the ground.

232 Balducci Explains that would be the miles traveled by trucks weighing in excess of 26,000 pounds.

291 Henion Explains that the work group concentrated on process. The work group determined that ODOT should appoint a political advisory committee every four years to review and analyze the study methods. This committee is to be composed of highway user groups, members of academia, the chair of the technical review committee, a representative of the legislative revenue office, employees of other state agencies and representatives of other external entities. ODOT would supply administrative support. Explains responsibilities of ODOT.

TAPE 83,A

020 Henion Continues presentation on the work group findings. States the importance of a long term vision for ODOT. The purpose of the study is to determine the proportionate share in cost of the users of each class. The work group emphasized the importance of placing this requirement in statute. ODOT will submit a final report of the study to the legislature. The work group believes the highway cost allocation process should ensure that technical experts determine the methods used in the study and provide an open and fair process including all affected parties and all of the highway user groups.

067 Chair George Voices concern that authority is taken from the technical experts.

080 Henion Replies that he has had experience working with cost allocation studies for 25 years and believes that the expertise lies with the department of transportation. The work group believes that fairness and openness should be part of the process.

090 Chair George Comments on computer analysis of programs.

100 Merriss Comments that ODOT has software studies of programs.

110 Chair George Thanks the work group members for their recommendations. Opens public hearing on SB 244

SB 244 PUBLIC HEARING

115 Balducci Explains SB 244. Submits **(EXHIBIT B)**.

170 Sen. Peter Courtney District 17. Supports SB 244. Gives background on reasons for SB 244. Says this bill creates deterrent legislation. Supports

Maine and Wisconsin's legislation on blood alcohol level of drivers. States SB 244 requires motorists with a history of DUII arrests to be held to more restricted standards of blood alcohol level (**EXHIBIT C**).

324 Sen. Metsger Comments on those drivers who abuse alcohol and have been convicted of DUII. Asks why not have a zero alcohol blood level.

442 Gina Skinner Oregon District Attorneys' Association. Explains current law on DUII. Discusses DUII arrests. Explains the association's issues with the measure.

478 Sen. Metsger Asks how prosecution would be affected with zero tolerance as a standard.

488 Skinner Replies in that case the officer would not have to get an intoxilizer test result. Explains how the zero tolerance level would be handled under the law.

TAPE 82, B

057 Sen. Metsger Ask what the association's position is if the 10 year limit were maintained at zero tolerance.

060 Skinner Replies the association would support that.

061 Veneta Howard Governors Advisory Committee on DUII. Supports SB 244. Supports amendment to .00 tolerance. Gives background on the committee's interest in this issue (**EXHIBIT D**).

113 Gretchen McKenzie Governor's Advisory Committee on DUII. Supports amendment. Gives statistics on fatalities related to alcohol. The message is that drinking and driving is unacceptable in our communities (**EXHIBIT E**).

165 Dale Rutledge Oregon State Police (OSP). Supports SB 244. Supports .00 tolerance. Describes alcohol impaired drivers (**EXHIBIT F**).

177 Sen. Metsger Asks the officer's opinion of the .00 alcohol blood level versus the .02.

180 Rutledge Answers the .02 cannot be demonstrated on the intoxilizer. Zero tolerance would be easier to prove.

180 Ingrid Swenson Oregon Criminal Defense Association. Opposes SB 244. Says that this bill causes impaired drivers to be brought to the attention of the police. Suggests officers try to identify those who should not drink based on past history of arrests for DUII. Those should be reported to the probation officer.

242 Sen. Metsger Suggests reporting the driver to probation still allows him to keep on driving. Discusses fourth conviction of DUII.

248 Swenson Answers that suspended licenses would be an arrestable offense, a felony.

272 Paul Romain Supports the concept of SB 244. Agrees that officers must notify probation officer of an occurrence. Says the .02 standard is unacceptable. Says .00 should be pursued. Asks that the bill be worked on.

344 Chair George States that Sen. Metsger has agreed to work on SB 244. Closes public hearing. Opens public hearing on SB 421.

SB 421 PUBLIC HEARING

350 Balducci Explains SB 421. Explains the -1 and -2 amendments (**EXHIBIT J**).

355 Tom Potiowsky Office of Economic Analysis (OEA), Department of Administrative Services (DAS). Served as Chair of the Study Review Team for the 2001 Highway Cost Allocation Study. Explains why this bill is needed. Enabling legislation is needed

		to provide highway users fees. Neutral to the amendments. Oregon Trucking Associations. Supports SB 421.
489	Bob Russell	
TAPE 83, B		
100	Russell	Opposes the –2 amendments. Does not want the study to be done by ODOT.
178	Balducci	Describes the study review team in 1999. Agrees that there is influence. Says how you define “undue influence” is the question.
185	Chair George	Explains that there needs to be a balance so that technical expertise is drawn upon and political influence is kept in control.
190	Russell	Asks that the study stay with DAS.
192	Chair George	Suggests adding instructions as to who is in charge.
198	Russell	States that a study review team should be maintained.
233	Dee Bridges	Oregon Forest Products Transportation Association. Supports the –1 amendments. Opposes the –2 amendments.
237	Balducci	Comments on the –1 amendments.
288	Chair George	Closes public hearing. Opens public hearing on SB 634.
SB 634 PUBLIC HEARING		
300	Balducci	Explains SB 634. Explains the –1 amendment (EXHIBIT K).
350	Robert Behnke	President, Community Wireless Information Networks (COWIN), a public private partnership to develop a smart jitney system. Discusses traffic congestion costs. Explains the city of Sandy wants to be the prototype for the smart jitney system. Discusses funding for these systems.
Tape 84,A		
037	Chair George	Comments on Sandy’s success with their innovative transportation. Closes public hearing. Opens public hearing on SB 909.
SB 909 PUBLIC HEARING		
040	Balducci	Explains SB 909 and the –1 amendments. Submits (EXHIBIT G).
050	Eric Winters	Attorney. Mainstream Liberty Caucus. Supports SB 909. Explains that the Oregon Liquor Control Commission (OLCC) has lost trust and support. States that many believe the OLCC is an unnecessary agency and actually harmful to its clients. Explains SB 909 and why it is needed. Proposes putting this before the voters.
139	Don McIntire	President, Taxpayers’ Association of Oregon. Says OLCC should be abolished. Explains OLCC is outdated.
191	Tiny Mathews	Past President, Oregon Retail Liquor Association. Representing Mark Carson who is suing OLCC. The suit says OLCC over manages the liquor stores and are not true contractors. Discusses the need for change in the liquor business.
199	Chair George	Closes public hearing. Opens SB 862.
SB 862 PUBLIC HEARING		
201	Balducci	Explains SB 862.
207	Michelle Knopp	Supports SB 862. Explains students need of home school acceptance as valid proof of school attendance. Says SB 862 would enable home schooled students to obtain provisional driver’s licenses more quickly. At the present the process is longer for home schooled students than for traditionally schooled students (EXHIBIT H).
379	Dave Winslow	Legislative Assistant for Senator Starr. Explains the method Education Service Districts (ESD) has for tracking home

385	Chair George	schooled students. Asks what the time limit is for the validity.
TAPE 85, A		
027	Kelly Taylor	Explains most people bring in the paper work when they get it.
030	Knopp	Explains a parent has to sign approval for a student to get a provisional driver's license.
035	Taylor	Says DMV would accept a different letter.
037	Sen. Messerle	Says a current letter or time frame should be limited to 60 or 90 days.
040	Sen. Metsger	Asks if ESD tracks students' eligibility by validating the home schooling.
050	Winslow	Explains how home school testing works by statute. Periodically, home school students take national tests and the scores are sent to ESD.
067	Sen. Metsger	Asks where the problem is that this bill addresses.
076	Knopp	Explains the requester's position is that there is a difference in time from public and private schools and home schools in getting this request.
108	Sen. Metsger	Asks if the forms could be available at DMV.
125	Taylor	Responds the drivers' manual explains what is needed to get a license. Most forms are on web sites and this form could be. Discusses the intent of the original bill and proof of home schooling.
160	Sen. Metsger	Agrees with Taylor.
177	Chair George	Asks the parties to work on this issue.
185	Knopp	Says the parent does not sign the form. The ESD official in charge of home schooling signs it.
202	Sen. Messerle	Reminds the committee that there should be compliance with the law.
205	Chair George	Closes public hearing on SB 862
206	Sen. Metsger	Opens public hearing on SB 633.
SB 633 PUBLIC HEARING		
221	Balducci	Explains SB 633.
225	Doug Tindall	Safety Manager, ODOT. Explains concerns of the bill (EXHIBIT I) .
230	Andrea Hogue	League of Oregon Cities. Opposes SB 633.
233	Sen. Metsger	Adjourns meeting at 5:50 pm.

Submitted By,

Reviewed By,

Nancy Masee,
Committee Assistant
House Student Achievement
And School Accountability
Committee

Janet Adkins,
Administrator

EXHIBIT SUMMARY

A – Highway Cost Allocation Study Work Group Final Report, Staff, 7 pp

B – SB 244, written testimony, Bob Miller, 2 pp

C – SB 244, written testimony, Sen. Peter Courtney, 2 pp
D – SB 244, written testimony, Veneta Howard, 1 p
E – SB 244, written testimony, Gretchen McKenzie, 1 p
F – SB 244, written testimony, Dale Rutledge, 3 pp
G- SB 909, written testimony, John Herald, 1 p
H – SB 862, written testimony, Michelle Knopp, 3 pp
I – SB 633, written testimony, Doug Tindall, 1 p
J – SB 421, -1 and -2 amendments, Staff, 4 pp
K – SB 634, -1 amendments, Staff, 1 p