

**SENATE COMMITTEE ON GENERAL GOVERNMENT AND  
TRANSPORTATION**

April 19, 2001 Hearing Room 343  
3:00 pm Tapes 86 -89

**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, Committee Assistant**

**MEASURE/ISSUES HEARD:**  
                                  **Access Management Issues and Opportunities in Oregon**  
                                  **HB 2987A work session**  
                                  **HB 2914A work session**  
                                  **HB HCR 5 work session**  
                                  **HJM 10A work session**  
                                  **HB 2565A work session**  
                                  **HB 2562B public hearing**  
                                  **HB 2022A 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 86, A</b>		
003	Sen. Gary George	Chair. Opens public meeting on Access Management at 3:05 p.m.
<b>ACCESS MANAGEMENT PUBLIC HEARING</b>		
010	Staff	Submits <b>EXHIBIT A</b> from the City of Salem.
020	Eric Anderson	Sherwood resident. Describes property which he owns. Explains that in 1990 the Oregon Department of Transportation (ODOT) conveyed plans to the family regarding intersection. Discusses the value of property with access to 99W. The plaintiff, ODOT, and the respondents, the Andersons, were unable to reach agreement on the amount. Discusses the access problems with the city of Sherwood, ODOT, and the Andersons ( <b>EXHIBIT B</b> ).
145	Anderson	Relates that ODOT's use of their power has been negative in the case of his family's property. Asks questions about ODOT's handling of the access issues in this case. Asks ODOT to pay present market value for the property in question.
170	Chair George	Closes public hearing. Opens public hearing on HB 2987A.
<b>HB 2987A PUBLIC HEARING</b>		
172	Patrick Balducci	Committee Administrator. Explains HB 2987A.
220	Rep. Jim Hill	District 5. Gives background on HB 2987A. Asks committee to adopt HB 2987A so no local entities will be allowed to pass local regulations on the use of cellular phones in motor vehicles.

235	Chair George	Closes public hearing. Re-opens public hearing on Access Management.
<b>ACCESS MANAGEMENT PUBLIC HEARING</b>		
237	Terence O'Connor	City Manager, City of Coquille. Explains Coquille's experience with ODOT and access problems. Explains development issues at a particular site due to ODOT decisions. Discusses Mill Street access request that was denied. Adams Street access was ODOT's choice.
<b>TAPE 87,A</b>		
020	O'Connor	Continues explaining the attempts to persuade ODOT to the city's wishes in relation to access.
053	O'Connor	Relates the numerous issues brought forth by the city and ODOT in an attempt to agree on access.
092	Jim Robbins	Newberg. Owns property where ODOT wants to close off access for safety. Relates his attempts to find out if it is unsafe from other sources. Says communication with ODOT is unsatisfactory.
186	Chair	Closes public hearing. Opens public hearing on HB 2914A
<b>HB 2914A PUBLIC HEARING</b>		
239	Balducci	Explains HB 2914A.
245	Bruce Starr	District 3. Explains the veterans' plate program to honor veterans.
270	H. A. McDonald	Veterans of Foreign Wars (VFW) Salem area. Supports HB 2914A. Explains why the bill is important.
275	Ed Hughes	Oregon Veterans. States the House did not oppose this bill.
276	Chair George	Closes public hearing. Opens work session on HB 2914A.
<b>HB 2914A WORK SESSION</b>		
277	Sen. Metsger	<b>MOTION: Moves HB 2914A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b>
278	Chair	<b>Hearing no objection, declares the motion CARRIED. SEN. CARTER will lead discussion on the floor.</b>
277	Chair George	Closes work session. Opens public hearing on HCR 5.
<b>HCR 5 PUBLIC HEARING</b>		
280	Balducci	Explains HCR 5.
285	H. A. McDonald	Oregon Veterans. Two medal of honor holders came from this war from Oregon.
288	Ed Hughes	Relates some history on Spanish American War.
290	Chair George	Closes public hearing. Opens work session HCR 5.
<b>HCR 5 WORK SESSION</b>		
291	Sen. Metsger	<b>MOTION: Moves HCR 5 be sent to the floor with a BE ADOPTED recommendation.</b>
		<b>VOTE: 5-0</b>
292	Chair George	<b>Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.</b>
294	Chair George	Closes work session. Opens public hearing on HJM 10.
<b>HJM 10 PUBLIC HEARING</b>		
296	Balducci	Explains HJM 10. Submits <b>EXHIBIT C</b> , testimony of Representative Dan Gardner.
298	Delmer Hanson	United Transportation Union. Supports HJM 10. Gives reasons for the memorial ( <b>EXHIBIT D</b> ).
300	Balducci	Verifies that the bill will allow expanding purchases of securities that earn higher rates of interest.

**TAPE 86B**

020 Ed Cutter Oregon Railroad Association. Supports HJM 10. Explains the benefits.

022 Chair George Closes public hearing. Opens work session on HJM 10.

**HJM 10A WORK SESSION**

024 Sen. Metsger **MOTION: Moves HJM 10A be sent to the floor with a BE ADOPTED recommendation.**

026 **Chair** **VOTE: 5-0**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. GEORGE will lead discussion on the floor.**

028 Chair Closes work session. Re-opens public hearing on HB 2987A.

**HB 2987A PUBLIC HEARING**

030 Balducci Reiterates HB 2987A.

032 Sen. Carter Welcomes witnesses.

035 Ken Strobeck Voice Stream Wireless. Describes distracted driving in violation of the Oregon driving code. Wants uniformity of regulations using the telephone. Supports HB 2987A **(EXHIBIT E)**

102 Elise Brown AT&T Wireless. Supports HB 2987A. Explains how wireless on the road is a safety factor. Drivers report drunken drivers and emergencies. Suggests one state law to maintain uniformity **(EXHIBIT F)**.

110 Sen. Metsger Asks if any states have limitations.

113 Brown Answers that Brooklyn, Ohio; Hilltown, Pennsylvania; and Marlborough, New Jersey have tried regulating car phones.

118 Strobeck Explains that New York City does not allow taxi drivers to use cell phones while driving.

128 Dave Barrenberg League of Oregon Cities. Explains there are about a dozen communities that enacted ordinances for use of hand-free sets.

177 Craig Campbell AAA. Supports HB 2987A.

197 Chair George Closes public hearing. Opens work session on HB 2987A.

**HB 2987A WORK SESSION**

199 Sen. Metsger **MOTION: Moves HB 2987A to the floor with a DO PASS recommendation.**

200 **Chair George** **VOTE: 5-0**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. METSGER will lead discussion on the floor.**

202 Chair George Closes work session. Opens public hearing on HB 2565A.

**HB 2565A PUBLIC HEARING**

204 Balducci Explains HB 2565A. Explains amendments **(EXHIBIT G)**.

210 Shawn Miller Oregon Recreational Vehicle Dealers Association. Supports HB 2565A. Explains service departments offered by dealers. Discusses inadequate service facilities of used vehicle dealers **(EXHIBIT H)**.

218 John Brenneman Represents manufacturers, Recreational Vehicles Industry Association. Says Oregon does not have a problem with this. ODOT has agreed to 4 inches on each side and 6 inches on passenger side for an awning. Urges adoption of the bill with the –A3 amendments **(EXHIBIT I)**.

225 Chair George Closes public hearing. Opens work session on HB 2565A.

**HB 2565A WORK SESSION**

231 Sen. Metsger **MOTION: Moves to ADOPT HB 2565A-3 amendments dated 4/19/01.**

232 **VOTE: 5-0**

233	<b>Chair</b> <b>Sen. Metsger</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>MOTION: Moves HB 2565A to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0</b>
234	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. MESSERLE will lead discussion on the floor.</b>
235	Chair George	Closes work session. Opens public hearing on HB 2562B.
<b>HB 2562B PUBLIC HEARING</b>		
240	Balducci	Explains HB 2562B and amendments.
267	Jeanne Wilkinson	Oregon Farm Bureau. Supports HB 2562B. Explains it exempts farm, ranch and orchard employees between 16 and 18 years of age employed by a rancher ( <b>EXHIBIT J</b> ).
300	Katie Cate	Oregon Cattleman's Association. Supports HB 2562B. Explains why this bill is needed.
<b>TAPE 87B</b>		
010	Craig Campbell	American Automobile Association (AAA). Explains why HB 2562B is needed.
050	Balducci	Reads letter from Rep. Close supporting the amendments to HB 2562B.
068	Kelly Taylor	ODOT. Comments on accepting other state's provisional licensing.
087	Chair George	Suggests giving more time to this bill for clarification. Closes public hearing on HB 2562B. Opens public hearing on HB 2022A.
<b>HB 2022A PUBLIC HEARING</b>		
090	Balducci	Explains HB 2022A.
107	Dennis Mulvihill	Washington County. Explains budgeting of municipal corporations. Discusses how biennial budgeting promotes strategic planning.
120	Chair George	Discusses problems with estimating budgets in advance.
122	Chair George	Closes public hearing. Opens work session on HB 2022A.
<b>HB 2022A WORK SESSION</b>		
128	<b>Sen. Metsger</b>	<b>MOTION: Moves HB 2022A to the floor with a DO PASS recommendation.</b>
130		<b>VOTE: 4-0</b> <b>EXCUSED: 1 – Clarno</b>
132	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. METSGER will lead discussion on the floor.</b>
135	Chair George	Closes work session. Reopens public hearing on access management.
<b>ACCESS MANAGEMENT PUBLIC HEARING</b>		
140	Terrance O'Connor	Coquille. Continues discussing Access Management and the problems encountered between the city of Coquille and ODOT.
214	Sen. Carter	States she can see the problem at Coquille. Wants to have ODOT to respond to these issues.
220	Sen. Messerle	Asks to hear the requirements of ODOT.
235	O'Connor	Explains after 11 years working with ODOT, City of Coquille received no satisfactory solution on the initial response.
238	Sen. Messerle	Thanks Mr. O'Connor for coming to Salem regarding the access problem in Coquille. Says this case is not unique and that other communities have similar situations.
272	O'Connor	Continues explaining inflexibility on ODOT's part to assist the city.

285	Chair George	Asks if the feeling is that ODOT does not want businesses on a state highway.
290	Sen. Messerle	Expresses the feelings of constituents who are frustrated in their attempts to deal with ODOT.
295	O'Connor	Discusses ODOT's responses to their questions on access.
300	Mike Robinson	Attorney. City of Warrenton. Explains that the Transportation Access Planning is too rigid. Needs flexibility. Need rules that do not work against problem solving. The Department of Land Conservation and Development (DLCD) turned around an ODOT decision. Need consistent rule readings ( <b>EXHIBIT K</b> ).
330	Chair George	Says there needs to be someone to decide the rules consistently.
<b>TAPE 88, A</b>		
040	Ed Christie	Michael Robinson's client. Appreciates the committee's time to hear the problems involving highway access and private property.
050	Chair George	Comments on British Columbia's specificity on issues and how this led to results.
058	Tony Snyder	Public Works Director, Polk County. Describes problems with ODOT. Explains some positive results on Hwy 22 in working with ODOT ( <b>EXHIBIT L</b> ).
120	Sen. Carter	Asks if there was community participation in deciding changes to be made.
130	Snyder	Answers that there was limited community participation in deciding the bridges. Explains some of the conflicts and how some were resolved. Explains how the county lacks funds for buying right of way. Emphasizes protecting access right of way now.
300	Snyder	Discusses problems of inflexibility within ODOT. Explains the rules themselves are a problem. ODOT staff tries to work with locals.
305	Chair George	Discusses compensating businesses for causing loss of business through access decisions.
306	Sen. Messerle	Comments that sometimes cities do not have that many options.
403	Craig Greenleaf	Deputy Director, ODOT.
405	Sen. Carter	Asks if communities have participation in property acquisition.
<b>TAPE 89A</b>		
010	Greenleaf	Discusses ODOT's efforts to make changes to meet needs of communities. Explains changes through Oregon Highway Plan. ODOT is trying to meet community interests within the plans.
025	Sen. Carter	Asks if the Transportation Commission gives direction in policy setting. Asks about resale of property. Asks how the community's will is undertaken.
035	Greenleaf	Answers the department has tried to make changes through creation of area commissions on transportation.
060	Sen. Carter	Asks how the community of Coquille and ODOT solve their problems.
075	Sen. Messerle	Comments on the City of Coquille and all its effort to resolve the conflicts. Gives examples of failure to progress with ODOT and of other small communities.
141	Chair George	Adjourns 5:30 pm.

Submitted By,

Reviewed By,

Nancy Masee,  
Committee Assistant

Janet Adkins,  
Administrator,  
House Student Achievement

And School Accountability Committee

## **EXHIBIT SUMMARY**

- A – Letter on Access Management, Peter Fernandez, 1 p**
- B – Written testimony, Eric Anderson, 6 pp**
- C – HJM 10, Written testimony, Rep. Dan Gardner, 1 p**
- D – HJM 10, Written testimony, Delmer Hanson, 2 pp**
- E – HB 2987, Written testimony, Ken Strobeck, 2 pp**
- F – HB 2987, Written testimony, Elise Brown, 3 pp**
- G – HB 2565A -3 amendments, staff, 4 pp**
- H – HB 2565A,, written testimony, Shawn Miller, 1 p**
- I – HB 2565A, written testimony, John Brenneman, 1 p**
- J – HB 2562B, written testimony, Jeanne Wilkinson, 2 pp**
- K – Letter on Access Management, Michael Robinson, 2 pp**
- L – Letter on Access Management, Polk County, Tony Snyder, 2 pp**