

HOUSE COMMITTEE ON TRANSPORTATION

February 17, 1999 Hearing Room D

8:30 a.m. Tapes 26 - 27

MEMBERS PRESENT: Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Richard Devlin

Rep. Jim Hill

Rep. Jeff Kropf

Rep. Jerry Krummel

Rep. Jane Lokan

Rep. Jackie Taylor

Rep. Vicki Walker

Rep. Larry Wells

STAFF PRESENT: Janet Adkins, Administrator

Brad Daniels, Administrative Support

MEASURE/ISSUES HEARD: HB 2196 Work Session

HB 2522 Public Hearing

HB 2197 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 26, A		

017	Chair Montgomery	Opens meeting at 8:33 a.m. Opens work session on HB 2196.
<u>HB 2196 WORK SESSION</u>		
022	Adkins	Explains HB 2196. Introduces ñ1 amendments, which are related to employer vehicles and ignition interlock devices (EXHIBIT A). Introduces ñ2 amendments, which allow nurse practitioners and physician assistants to review physician-submitted forms (EXHIBIT B).
046	Rep. Hill	MOTION: Moves to ADOPT HB 2196-1 amendments dated 02/16/99.
		VOTE: 9-0 EXCUSED: 1 - Rep. Krummel
048	Chair Montgomery	Hearing no objection, declares the motion CARRIED .
051	Rep. Lehman	MOTION: Moves to ADOPT HB 2196-2 amendments dated 02/16/99.
		VOTE: 9-0 EXCUSED: 1 - Rep. Krummel
053	Chair Montgomery	Hearing no objection, declares the motion CARRIED .
056	Rep. Hill	MOTION: Moves HB 2196 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0 EXCUSED: 1 - Rep. Rep. Krummel
060	Chair Montgomery	Hearing no objection, declares the motion CARRIED .

		REP. DEVLIN will lead discussion on the floor.
065	Chair Montgomery	Opens the public hearing on HB 2522
<u>HB 2522 PUBLIC HEARING</u>		
066	Adkins	Explains HB 2522, which authorizes bicycles to pass on the right and creates the offense of operating a bicycle in the wrong direction.
100	Catherine Ciarlo	Executive Director, Bicycle Transportation Alliance (BTA). Supports HB 2522 and explains the bill. Discusses the mission and the goals of the BTA. States that their objective is to increase safety. and alleviate bicyclists' fear of cars (EXHIBIT C).
125	Doug Parrow	Board of Directors, BTA. Supports HB 2522. Discusses situations in which bicyclists may pass on the right. Explains that the statutes do not clearly define this right, placing bicyclists at a legal disadvantage when liability is assigned (EXHIBIT D & E).
176	Parrow	Explains another provision in the bill that requires bicycles to be ridden with the flow of traffic. Discusses the dangers of riding in the wrong direction, including vision, faster closing speeds and passing safety.
232	Rep. Wells	Asks if bicycles can ride on sidewalks.
234	Parrow	Answers yes.
238	Rep. Wells	Asks if bikes can ride the wrong direction on sidewalks.
242	Parrow	Answers yes.
243	Rep. Wells	Relates an example that underlines the danger of allowing bicyclists to ride the wrong way on sidewalks.
250	Parrow	Concedes that some people do not operate bicycles with due care.
258	Rep. Wells	Supports requiring bikes to ride the same way as traffic on both the street and the sidewalk.
264	Parrow	Responds that it is preferable for children to ride on the sidewalk.

281	Rep. Wells	Replies that, in his case, the bicyclist was not a child.
282	Ciarlo	Notes that the BTA emphasizes the responsible use of bicycles.
293	Adkins	Asks if bike paths would be considered separate entities and not fall under the requirements of HB 2522.
301	Parrow	Replies yes.
304	Rex Burkholder	Founder, BTA. Supports HB 2522. States that the <u>Oregon Vehicle Code</u> includes many inconsistencies, two of which are addressed in the bill. Explains that bicycles are fundamentally different than cars and should be allowed to pass on the right (EXHIBIT F).
357	Rep. Hill	Asks who would have the right of way under HB 2522. Asks if the motorist is at fault if s/he decides to turn right at an intersection and collides with a bicyclist.
378	Burkholder	Replies that the bicyclist should be coming to a stop and would not have the right of way.
390	Rep. Hill	Asks again who has the right of way. Expresses concern about bicyclists passing on the right and the liability of motorists who want to turn and use their signal, but are unable to avoid a collision.
416	Ciarlo	Explains that the question of fault would have to depend on the facts.
441	Rep. Hill	Asks about the definition of "due care."
TAPE 27, B		
024	Ciarlo	Notes that the phrase is used in other parts of the <u>Vehicle Code</u> and is not a new term.
030	Rep. Lokan	Inquires about unmarked intersections and possible difficulties involving the motorist and bicyclist.
043	Parrow	Replies by describing his attitude and the procedures he goes through to ensure his safety on a bicycle.
058	Rep. Lokan	Relates an example of a dangerous situation.
067	Ciarlo	Notes that the bicyclist would be at fault.

071	Rep. Hill	Indicates that he would like clarification concerning the right of way question and a specific definition of "due care."
086	Burkholder	Describes his experience teaching his children to ride a bicycle responsibly. Addresses Rep. Hill's concern about right of way.
102	Karen Frost Mecey	Program Director, BTA. Explains the mission of the BTA and their focus on education. Outlines three programs that focus on educating bicyclists and children (EXHIBIT G).
136	Chair Montgomery	Asks if there is any way for bicyclists to pay for bike lanes.
144	Ciarlo	Responds that the BTA sees bicycling as part of the solution, a cost-effective mode of transportation that does not damage roads or the environment as much as cars. Observes that bicyclists presently pay for some local roads through property taxes. Adds that the BTA is not opposed in principle to user fees, but would need to ensure that they are assessed fairly and would not discourage people or families from riding bicyclists.
180	Chair Montgomery	Notes that property taxes are rarely used for roads.
182	Rep. Krummel	Agrees with Chair Montgomery's observation. Discusses the additional costs of bike lanes. Adds that bicyclists do need to help pay.
204	Ciarlo	Replies that the BTA is not fundamentally opposed to helping with costs. Explains that bike riding represents a cost benefit by replacing vehicles.
216	Rep. Devlin	Notes that in his district property taxes are used for roads. Adds that people who are paying for a service usually have more influence on policy decisions. Explains the liability aspects of the bill. Relates an example of a dangerous situation in which a bicyclist was going the wrong way.
267	Rep. Lokan	Comments on bike lanes that are situated between vehicle lanes.
279	Burkholder	Replies that these lanes may be a misapplication of design. Explains the reason for bike lanes.
311	Rep. Kropf	Shares Rep. Hill's concerns. Asks if there are cases where a bike lane only exists on one side of the street.
335	Ciarlo	Responds that bike lanes are usually on both sides of the street. Explains that it is safer to ride in a traffic lane and in the right direction rather than in a bike lane on the opposite side of the street.
389	Rebecca Douglas	City of Portland. Supports HB 2522.

395	Joseph Greulich	City of Tualitan. Supports HB 2522.
401	Scott Bricker	Program Director, BTA. Supports HB 2522.
412	Rep. Lehman	Closes the public hearing on HB 2522.
421	Chair Montgomery	Opens the public hearing on HB 2197.
<u>HB 2197 PUBLIC HEARING</u>		
425	Adkins	Explains HB 2197, which addresses some aspects of the Oregon Department of Transportation's (ODOT) financial authority.
TAPE 26, B		
035	Mike Marsh	Executive Deputy Director, ODOT. Explains that HB 2197 expands ODOT's ability to help local governments and slightly increases ODOT's bond issuing limit. Describes the Oregon Transportation Infrastructure Fund (OTIF). Discusses the changes enacted by the bill and its positive benefits for local governments in borrowing situations. Refers to Section 4 of the bill and the \$4.4 million increase in the bond limit. Cites Section 5 of the bill and describes that it eliminates redundancy. Supports HB 2197 (EXHIBIT H).
075	Rep. Kropf	Asks Adkins about the difference in the amounts stated by Marsh and included in the Staff Measure Summary.
081	Marsh	Responds that ODOT only needs \$4.4 million additional bonding limitation.
089	Rep. Kropf	Expresses confusion.
092	Marsh	Reiterates that the bill should be amended to include \$4.4 million above the former amount, not the larger increase to \$420 million that is documented in the Staff Measure Summary.
099	Rep. Hill	Asks why municipality bonds are guaranteed.
104	Marsh	Explains that the OTIF allows a poorer local government to receive a better bond rating.
107	Rep. Kropf	Asks what the average bond rates are.
110	John Fink	State Infrastructure Bank Manager. Explains the difference between independent and Infrastructure Fund-backed loan rates for local governments.

		Discusses the benefits to local governments from an improved credit rating.
126	Chair Montgomery	Asks if OTIF is backed by gas tax dollars.
131	Marsh	Responds that the bill would allow the Highway Fund to be a back-up.
132	Chair Montgomery	Asks if loan defaults would be paid for by gas tax money. Refers to line 24 on page 2 of HB 2197 and the mention of transportation projects.
141	Fink	Cites the definition of transportation project in the current statute, but notes that HB 2197 limits the State Highway Fund backing to projects that would normally be eligible for highway fund dollars.
150	Chair Montgomery	Clarifies that "transportation project" does not include rail, aeronautics, etc.
152	Fink	Replies that these categories are included in the statutory definition of transportation project.
156	Rep. Krummel	Asks about debt limit policy.
160	Marsh	Explains that the additional \$4.4 million will not affect that policy.
168	Rep. Krummel	Asks if the bonds are general obligation bonds.
174	Fink	Explains that the Infrastructure Fund has not issued any bonds, though they have the statutory authority to do so.
181	Rep. Krummel	Asks if the bonds issued by OTIF would fall under the debt limit policy.
185	Fink	Replies no.
190	Rep. Hill	Refers to page 2, lines 3 and 4. Asks about the definition of "another institution."
197	Fink	Replies that he can not think of other institutions.
201	Rep. Hill	Asks about the origin of this language.
205	Fink	Explains that it is modeled after Oregon Economic Development Department (OEDD) language.

218	Adkins	Notes that Treasurer's Office has no problem with the increased limit.
230	Rep. Lokan	Asks if HB 2197 seeks to avoid bonded debts.
241	Marsh	Replies that the funds still need to be generated on a local level.
249	Fink	Explains an Infrastructure Fund loan to Washington County.
259	Rep. Devlin	Notes that Washington County has serial, not bonded, levies.
269	Rep. Kropf	Cites Section 3, lines 22-25. Asks if the bill gives cities the ability to obtain a loan to build streets.
282	Fink	Replies yes.
288	Chair Montgomery	Closes the public hearing on HB 2197. Opens the work session on HB 2197.
<u>HB 2197 WORK SESSION</u>		
295	Chair Montgomery	MOTION: Moves to AMEND HB 2197 on page 2, in line 28, after "of," delete "\$420" and insert "\$138.4".
297		VOTE: 10-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
315	Rep. Lehman	MOTION: Moves HB 2197 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
317	Rep. Kropf	Asks if the committee should address concerns about the funding of non-highway related projects with gas tax dollars.
321	Rep. Lehman	Replies that the bill's language is sufficiently limiting in Section 2 (b).
330	Chair Montgomery	Supports the bill as written.
333	Rep. Devlin	Asks if Rep. Lehman's motion included a favorable recommendation.

335	Chair Montgomery	Responds that it did include a favorable recommendation.
341	Rep. Krummel	Indicates that Rep. Kropf's suggestion may tie the hands of local governments.
350	Rep. Lehman	Explains that the broad term "transportation project" is limited by Section 2 (b), which requires gas tax dollars to be used as a back-up for projects that would normally be eligible for gas tax funding.
378		VOTE: 10-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
381	Chair Montgomery	Adjourns the meeting at 9:50 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñHB 2196, -1 amendments, staff, 3pp.

B ñHB 2196, -2 amendments, staff, 1 p.

C ñHB 2522, testimony, Catherine Ciarlo, 1 p.

D ñHB 2522, testimony and background information, Doug Parrow, 4 pp.

E ñHB 2522, letter, Erik Engelke, 1 p.

F ñHB 2522, testimony, Rex Burkholder, 1 p.

G ñHB 2522, testimony, Karen Frost Mecey, 1 p.

H ñHB 2197, testimony, Mike Marsh, 2 pp.