

## HOUSE COMMITTEE ON TRANSPORTATION

February 24, 1999 Hearing Room D

8:30 A.M. Tapes 31 - 32

**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 2071 Work Session

HB 2335 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 31, A		

004	Chair Montgomery	Opens the meeting at 8:35 a.m. Opens the work session on HB 2071.
<b><u>HB 2071 WORK SESSION</u></b>		
010	Janet Adkins	Committee Administrator. Explains HB 2071, which authorizes the operation of red light cameras as demonstration projects in local communities. Reviews the testimony supporting and opposing the bill during previous hearings. Introduces the ñ3 amendments ( <b>EXHIBIT A</b> ).
027	Chair Montgomery	Asks how the additional cities (Portland, Grants Pass, Medford and Tigard) included themselves in HB 2071.
029	Adkins	States that the additional cities are included in the ñ1 and ñ3 amendments requested by Rep. Ken Strobeck.
030	Chair Montgomery	Asks if each city submitted a letter documenting their desire to be included in the demonstration.
034	Adkins	Responds that citizens from Portland and Grants Pass did testify at previous hearings. Explains the ñ3 amendments, the cities now included and the important dates added in these amendments. Introduces and explains the ñ4 amendments ( <b>EXHIBIT B</b> ).
055	Rep. Walker	Asks if any of the amendments include a requirement to send the photograph with the citation.
064	Rep. Devlin	Indicates that a copy of the photograph is sent to the offender if he/she questions the validity of the citation.
077	Chair Montgomery	Introduces the estimated fine schedule for the City of Beaverton ( <b>EXHIBIT C</b> ).
081	Linda Adlard	Chief of Staff, City of Beaverton. Explains the fine schedule ( <b>EXHIBIT C</b> ).
089	Chair Montgomery	Asks if the vendors who operate the cameras will receive \$25 for every photograph that is taken.
095	Adlard	Answers that the vendor will receive an estimated \$25 per paid citation.
111	Rep. Hill	Asks how many paid citations were issued last year for photo radar.
115	Adlard	Replies about 300 per month.
118	Rep. Hill	Refers to the large number of photo radar citations from Portland.

123	Adlard	Responds that, over a four-year period, the City of Beaverton sent 15,000-20,000 citations, and approximately half of those were paid.
143	Rep. Wells	Asks about the sunset clause's effect on the development and cost of the red light camera program.
150	Adlard	Replies that the vendor will pay for the cost of construction and the camera, and the city will lease the equipment on a per month or per citation basis. Adds that they will be able to pay for the program despite the sunset. Notes that they are willing to absorb a fiscal impact in order to increase safety.
169	Rep. Krummel	Asks if the red light system will reduce the city's revenue per citation.
175	Adlard	Replies yes. Describes the effect of a good driving record on fine amounts. Explains that the purpose of the camera is to change behavior.
191	Rep. Kropf	Refers to Section 3 of the 3 amendments, lines 18 and 20. Asks about the type of public information campaign will be implemented.
200	Adlard	Responds that the red light campaign will be similar to the photo radar campaign. Lists the steps the city will take to inform the public.
219	Rep. Wells	Asks if another bill exists to expand signing restrictions for photo radar.
224	Adlard	Answers that there are currently 27 signs informing people about photo radar.
230	Adkins	Asks who would have the authority to place signs about red light cameras at an intersection with a state highway.
240	Adlard	Replies that they currently work with ODOT to sign these areas and do not foresee a problem with this issue.
245	Rep. Taylor	Asks if there is competition among vendors.
248	Adlard	Replies yes.
250	Rep. Taylor	Asks if the \$25 vendor fee on the fine schedule is an estimate.
255	Adlard	Responds that the vendor fee could be higher. Cites fees in other areas.
265	Rep. Walker	Asks how a motorcycle rider with a full-face helmet will be identified.

267	Adlard	Responds that, if the gender of the driver can not be identified, the citation will not be sent.
282	Al Elkins	Car and Truck Rental and Leasing Association of Oregon. Refers to page 2, line 30 of the ñ3 amendments. Indicates that "affidavit" should be replaced with "certificate of non-liability."
318	Adkins	States that Elkinsí will change "an affidavit" to "a certificate" in three places in the bill.
322	Chair Montgomery	Explains the current status of HB 2071 and the amendments.
326	Rep. Walker	Opposes HB 2071.
331	Rep. Wells	Supports HB 2071 and the ñ3 amendments. States that the ñ4 amendments would mean a dramatic change in the bill.
347	Adkins	Explains that the bill will still be sunseted and the program will be a pilot if the ñ4 amendments are adopted.
366	Rep. Wells	Notes that the ñ4 language may be problematic with respect to "demonstration project." Supports allowing any city to implement a red light camera system, but urges care in the language.
372	Rep. Hill	States that expanding the project statewide would not eliminate the sunset clause.
384	Adkins	Agrees with Rep. Hill that the language about the demonstration project, evaluation and public education requirements would still be in the bill under the ñ4 amendments.
<b>399</b>	<b>Rep. Hill</b>	<b>MOTION: Moves to ADOPT HB 2071-4 amendments dated 02/23/99.</b>
401	Rep. Lokan	Asks when and how the cities would decide to implement a program.
415	Rep. Lehman	Replies that the decision-making process would be similar to setting the local speed limits.
422	Rep. Lokan	Expresses support for HB 2071 and the ñ4 amendments as long as cities have the power to make their own decisions.
<b>TAPE 32, A</b>		

010	Rep. Lehman	Explains the effect of the ñ4 amendments. Asks when the bill would sunset.
013	Adkins	Replies that HB 2071 would sunset at the end of 2001.
015	Rep. Lehman	States that expanding the bill to all cities may jeopardize passage of the bill on the floor.
019	Rep. Wells	Supports the ñ4 amendments. Notes that the bill is allowing, not mandating, the cities to perform the project.
027	Rep. Devlin	Opposes the ñ4 amendments. Suggests that the attempt to move the ñ4 amendments is an attempt to load the bill and to diminish its chances of passage on the floor. Notes that the intent of HB 2071 is to implement a demonstration project. Expresses discomfort with expanding the bill to include other cities.
042	Rep. Krummel	Supports the ñ4 amendments. Asks if the sunset should be moved to 2003.
055	Rep. Walker	Agrees with Rep. Krummel that the project should be extended to 2003. Supports the ñ4 amendments
060	Rep. Kropf	Opposes the ñ4 amendments as an attempt to obscure the intent of HB 2071.
071	Rep. Lokan	Withdraws her support from the ñ4 amendments.
<b>075</b>		<b>VOTE: 4-5</b> <b>AYE: 4 - Hill, Krummel, Walker, Wells</b> <b>NAY: 5 - Devlin, Kropf, Lehman, Lokan, Taylor</b> <b>EXCUSED: 1 - Montgomery</b>
	<b>Rep. Lehman</b>	<b>The motion FAILS.</b>
080	Rep. Devlin	Asks if the ñ3 amendments include the ñ1 and ñ2 amendments or if each one needs to be moved separately.
085	Adkins	Explains that the ñ2 amendments are not included in the ñ3 amendments. Notes that the change from "affidavit" to "certificate" is not represented in the ñ3 amendments. Adds that the ñ1 amendments would be replaced by the ñ3 amendments.

102	Rep. Lokan	Suggests that the committee move the ñ3 amendments.
105	Rep. Taylor	Indicates that she will not support the ñ3 amendments.
110	Adkins	Mentions Rep. Rob Patridgeís involvement in including Medford. States that she has no information from Tigard.
116	Rep. Devlin	Asks if Rep. Patridge requested that Rep. Strobeck include Medford in the ñ3 amendments.
119	Adkins	Expresses uncertainty.
123	Kevin Campbell	Oregon Association Chiefs of Police. Indicates that all the cities in the ñ3 amendments are interested in being involved, but have been waiting to see which direction the committee will take. Supports the inclusion of as many cities as possible.
<b>160</b>	<b>Rep. Lehman</b>	<b>MOTION: Moves to RECONSIDER the vote by which Rep. Hillís motion to ADOPT HB 2071-4 amendments dated 02/23/99 was defeated.</b>
163	Rep. Lokan	Asks if the ñ4 amendments would include the change from "affidavit" to "certificate" and a change in the sunset from 2001 to 2003.
170	Adkins	Replies that the sunset will still be at 2001, but the ñ4 amendments do include the affidavit-to-certificate change.
177	Rep. Kropf	Emphasizes that the intent of HB 2071 is to save lives. Opposes an attempt to pass amendments that may deny the billís chances of passage on the floor.
188	Rep. Lehman	Responds that the consequence of linking lives to the billís intent is an apparent prioritization of lives in Beaverton over lives in Salem or anyplace else. Observes that if red light cameras are a good idea, every city should have the chance to give it a try.
200	Rep. Kropf	Counters that if the inclusion of the amendments does kill the bill, then the committee has not achieved anything.
214	Rep. Krummel	Suggests that it makes no sense for representatives to vote against expanding the bill and ultimately to deny cities in their districts the opportunity to try the cameras. Supports authorizing all communities to decide themselves whether or not to implement the project.
		<b>VOTE (on the motion to reconsider): 6-3</b>

		<b>AYE: 6 - Hill, Krummel, Lehman, Lokan, Walker, Wells</b> <b>NAY: 3 - Devlin, Kropf, Taylor</b> <b>EXCUSED: 1 - Montgomery</b>
	<b>Rep. Lehman</b>	<b>The motion CARRIES.</b>
263	Rep. Devlin	Reports that he will not vote for the ñ4 amendments, but still supports HB 2071.
<b>265</b>		<b>VOTE (to adopt the ñ4 amendments): 6-3</b> <b>AYE: 6 - Hill, Krummel, Lehman, Lokan, Walker, Wells</b> <b>NAY: 3 - Devlin, Kropf, Taylor</b> <b>EXCUSED: 1 - Montgomery</b>
<b>269</b>	<b>Rep. Lehman</b>	<b>The motion CARRIES.</b>
272	Rep. Wells	Expresses concern about the cost of signing the intersections.
277	Adlard	Expresses no objection to placing a sign at every intersection where cameras are operating.
292	Rep. Taylor	Asks if the ñ3 amendments do not pass, would the requirement for a public information campaign be deleted.
299	Adkins	Indicates that the public information campaign is part of the original bill and would be included.
303	Rep. Devlin	Discusses the deterrent effect and negligible expense of increased signs.
<b>320</b>	<b>Rep. Devlin</b>	<b>MOTION: Moves to ADOPT HB 2071-2 amendments dated 02/05/99 and replace "a camera is in operation" with "a camera may be in operation"</b>
		<b>VOTE: 9-0</b>

		<b>EXCUSED: 1 - Rep. Montgomery</b>
	<b>Rep. Lehman</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>339</b>	<b>Rep. Kropf</b>	<b>MOTION: Moves HB 2071 to the floor with a DO PASS AS AMENDED recommendation.</b>
343	Rep. Walker	Strongly opposes HB 2071. Supports additional officers as opposed to cameras. Notes the shift in the burden of proof and the distinctions between photo radar and red light cameras. Expresses concern about the training of people who are looking at the photographs and the cost of the program.
405	Rep. Devlin	Opines that selective enforcement is a universal issue.
417	Rep. Lehman	States that he will vote for HB 2071 in committee, but will vote no on the floor.
420	Rep. Krummel	Asks about the sunset clause.
428	Rep. Lehman	States that the clause has remained unchanged
431	Rep. Krummel	Responds to Rep. Walker's concern about the shifting burden of proof. States that, with traffic citations, a person is already guilty until proven innocent.
438	Rep. Taylor	Indicates that she will vote for the bill in committee, but does not guarantee her support on the floor.
<b>TAPE 31, B</b>		
<b>020</b>		<b>VOTE: 6-3</b> <b>AYE: 6 - Devlin, Kropf, Krummel, Lehman, Lokan, Wells</b> <b>NAY: 3 - Hill, Taylor, Walker</b> <b>EXCUSED: 1 - Montgomery</b>
<b>032</b>	<b>Rep. Lehman</b>	<b>The motion CARRIES.</b>



		<b>REP. STROBECK will lead discussion on the floor.</b>
034	Rep. Lehman	Closes the work session on HB 2071. Opens the public hearing on HB 2335.
<b><u>HB 2335 PUBLIC HEARING</u></b>		
044	Adkins	Explains HB 2335, which defines school zones and the term "when children are present" for the purposes of school zone speed enforcement. Introduces and explains the ñ2 amendments ( <b>EXHIBIT D</b> ). Discusses the previous definition of "when children are present."
078	Rep. Roger Beyer	District 28. Introduces the ñ1 amendments ( <b>EXHIBIT E</b> ). Describes the school zones in his district. Acknowledges the confusion over this area of the law. Discusses the ñ1 amendments and the intent to clarify to drivers when they are entering a school zone. Explains the signage requirements enacted by the ñ1 amendments.
118	Rep. Lehman	Asks if Beyer has seen the ñ2 amendments.
120	Rep. Beyer	Replies no.
122	Rep. Hill	States that he sees no conflict between the two sets of amendments.
127	Rep. Walker	Asks about the change from "crossing" to "crosswalk."
131	Rep. Beyer	Replies that the change is semantic, not substantive. Notes that the fiscal impact of the added signs should be minimal.
160	Adkins	Introduces Rep. Strobeck's written testimony in support of HB 2335 ( <b>EXHIBIT F</b> ).
165	Rep. Wells	Asks about the origin of the ñ2 amendments.
166	Adkins	Replies that the amendments are from Rep. Strobeck's office
170	Rep. Wells	Expresses uncertainty about how the ñ1 and ñ2 amendments will interact.
189	Rep. Lokan	Inquires if Section 2 of the ñ2 amendments requires signage that is also indicated in the ñ1 amendments.
200	Helen Liere	Alliance for Community Traffic Safety (ACTS) Oregon. Supports HB 2335.

		Describes ACTS and their involvement in a voucher program for child safety seats, use of bike helmets and crossing guard training. Stresses the importance of the school zone issue and her involvement last session. Explains that the current definition of school zones is too broad, confusing and creates traffic problems ( <b>EXHIBIT G</b> ).
260	Liere	Discusses the effects of the ñ2 amendments. Supports adding a fourth requirement to Section 3 of the ñ2 amendments (subsection 4), which would state: "When children are present on exterior, unfenced school grounds immediately adjacent to the school zone." Expresses concern about the ñ1 amendments. Emphasizes the importance of creating a transition speed zone.
301	Rep. Lehman	Asks if the ñ2 amendments would deal with playgrounds.
306	Liere	Replies no. Reiterates her support for subsection 4.
317	Rep. Wells	Supports ñ1 and ñ2 amendments. Acknowledges that the ñ1 amendments do address the issue of high speed highways next to schools.
339	Liere	Supports increased signage and, wherever possible, flashing lights to inform people of an upcoming school zone. Repeats the proposed language of subsection 4.
366	Adkins	Asks if the new language will apply to grounds that are adjacent to the school zone or to the highway.
370	Liere	Revises the wording of subsection 4.
391	Rep. Hill	Asks about transitional speed zones. Underscores that the ñ1 amendments do not implement transitional speed zones. Supports the ñ2 amendments. Expresses concern about Liereis proposed language. Stresses the need for feedback from local law enforcement and members of the judiciary.
<b>TAPE 32, B</b>		
013	Liere	Reports that law enforcement requested the consideration of subsection 4. Expresses concern about unfenced areas next to the roadway.
035	Rep. Hill	Discusses the effect of subsection 4 and the need for a precise definition.
056	Liere	Relates that the present school zones are not outrageously long or imprecise.
058	Rep. Lokan	Asks about separate fields that may be across or down the street from the actual school.

067	Liere	Answers that the zones would apply to school grounds only.
075	Rep. Wells	Comments that speed is the important issue. Describes the intent of the original law. Asks if it is necessary for the driver to see the children in order to compel him/her to slow down. Expresses concern about the need to see children. Asks when the decreased speed requirement would apply.
105	Liere	Responds that most drivers would see children.
109	Rep. Wells	States that the "reasonable" expectation of the original law would require drivers to slow down in school zones, whereas HB 2335 requires that the children be visible to the driver before imposing the obligation to slow down.
116	Liere	Replies that a strong educational program will be essential.
121	Adkins	Asks if children who are in the street would be covered by HB 2335.
131	Liere	Proposes that "in" should be included before "beside" in Section 3 (3) to close this loophole
137	Adkins	Asks if all crosswalks are designated and striped. Asks if some crosswalks are not marked.
140	Liere	Replies that the crossings may be signed, but not marked.
147	Adkins	Asks if any intersection would be considered a school crosswalk.
150	Liere	Expresses uncertainty.
157	Catherine Henrichs	ACTS Oregon. Explains her history with the ACTS. Emphasizes the importance of the school zone issue. Notes that there is not a perfect solution to this controversy. Expresses concern enforcing school zone speed limits at all hours and times. Stresses the importance of public education ( <b>EXHIBIT H</b> ).
206	Mike Laverty	President, ACTS Oregon. Expresses his interest in traffic safety. Describes the mission and programs of ACTS. Explains the history of their involvement in the school zone issue. Notes that the previous definitions were not effective. Notes that the ñ2 amendments represent the efforts of the school zone task force. Discusses the proposed publication of the task force's recommendations ( <b>EXHIBIT I</b> ).
273	Rep. Hill	Supports the ñ2 amendments. Suggests that law enforcement and the judiciary be involved in setting guidelines for uniform enforcement.

301	Rep. Lehman	Agrees with Rep. Hill. Acknowledges the wide variance in the appearance of school zones throughout the state.
340	Doug Tindall	Maintenance Engineer, Oregon Department of Transportation (ODOT). Expresses uncertainty about the fiscal effects of the ñ1 amendments, but adds that the fiscal impact will probably be insignificant.
366	Rep. Lehman	Closes the public hearing on HB 2335. Adjourns the meeting at 10:20 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñHB 2071, -3 amendments, staff, 4 pp.**

**B ñHB 2071, -4 amendments, staff, 1 p.**

**C ñHB 2071, fine assessment breakdown, Linda Adlard, 1 p.**

**D ñHB 2335, -2 amendments, staff, 4 pp.**

**E ñHB 2335, -1 amendments, staff, 1 p.**

**F ñHB 2335, written testimony, Ken Strobeck, 3 pp.**

**G ñHB 2335, written testimony, Helen Liere, 2 pp.**

**H ñHB 2335, written testimony, Catherine Henrichs, 1 p.**

**I ñHB 2335, written testimony, Mike Laverty, 2 pp.**