

## HOUSE COMMITTEE ON TRANSPORTATION

**March 8, 1999 Hearing Room D**

**8:30 a.m. Tapes 39 - 41**

**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**

**Nancy Geisler, Administrative Support**

**MEASURE/ISSUES HEARD: Informational Meeting**

**HB 2635 Public Hearing**

**HB 2003 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 39, A		
004	Chair Montgomery	Opens meeting at 8:32 a.m. Opens informational meeting at 8:33 a.m.

**INFORMATIONAL MEETING**

008	Janet Adkins	Administrator. Indicates on Wednesday, the committee will meet in Hearing Room 50 with the House Revenue Committee to hear the results of the cost allocation study from the consultant.
021	Dick Yates	Legislative Revenue Office. Continues from Friday, 3/5/99, when the committee examined highway user fees and cost responsibility. Recalls looking at principles behind taxation. Explains the committee looked at how uniquely Oregon uses cost responsibility to determine the tax rate structure. Continues, they examined allocation of costs for various vehicle types in terms of space occupied by a vehicle on the road.
039	Yates	Reports that the committee also looked at equivalent single-axle loads (ESALS). Added when ESALS are used as allocators, most of the costs allocated go back to heavy vehicles. Continues, they went on to study total taxes and how they behave. Notes registration fees are sometimes paid quarterly when there is seasonal operation. However, for most of the miles driven on Oregon roads, vehicles pay through the International Registration Program, so they are paying to their home state. Stresses these vehicles can drive anywhere in North America. Expresses miles they drive are used to allocate registration fee to each state in which they drive.
048	Rep. Lehman	Asks if a truck starts in St. Louis, Missouri, and travels 500 miles in Oregon, how does Oregon get paid the fees.
052	Yates	Explains if 80% of a truck's miles are in California, 10% are in Oregon, and the rest are in Washington, the vehicle would owe Washington 10% of its registration fee. Adds the truck pays the total registration fee to the state in which it is domiciled. States the entity that collects the fees is responsible for sending a check to Oregon and Washington.
068	Rep. Lehman	Inquires about fuel tax and weight-mile tax.
076	Yates	Discusses fuel tax rates and collection procedures in California. Comments it is fairly easy for the operator to figure out the rates by multiplying total number of gallons burned in the state, and reporting is done through the International Fuel Tax Agreement (IFTA). Notes the state will collect fuel taxes for every state that imposes fuel taxes on the vehicle.
104	Rep. Lehman	Asks what happens when a truck enters Oregon with the weight- mile tax as compared to a fuel tax.
106	Yates	Explains in regard to fuel tax, the firm only has to file once with the state in which they are domiciled. Notes when the firm travels in states that have a separate weight-mile tax, they also have reporting requirements for those states.
109	Rep. Devlin	Inquires if any studies have been done to determine if, when a truck is reporting mileage in states other than the state where it is domiciled, there is an incentive to underreport usage.

117	Yates	Responds studies have been done, but most studies have aimed at ways of totally avoiding the tax. Continues there is an obvious incentive to move miles into the state with the lowest diesel fuel tax. Underscores he does not know of any studies that have singled this out, but they may exist.
131	Chair Montgomery	Encourages questions on the weight mile issue.
134	Yates	<p>Presents slide show. Explains registration fees depend on:</p> <ul style="list-style-type: none"> <li>• Vehicle weight</li> <li>• Number of miles driven</li> </ul>
169	Yates	Explains registration is essentially an annual fee, so the more miles driven, the lower the cost per mile. States the fee is graduated with weight, so it increases with vehicle weight. Oregon is one of the states with lowest registration fees because taxes are sensitive to miles driven. Notes the diesel fuel tax is dependent primarily on fuel economy for per mile costs. Adds better fuel economy leads to lower costs. Explains the weight-mile tax is fixed per mile driven, so the cost per mile is constant but varies with vehicle weight and, in Oregon, with the number of axles. Explains the object is to create a fee whose fixed amount is not sensitive to number of miles driven.
197	Yates	<p>Explains Fuel Tax Rates:</p> <ul style="list-style-type: none"> <li>• Gasoline tax is 24 cents per gallon</li> <li>• Diesel fuel is 24 cents per gallon</li> </ul>
207	Yates	Notes some vehicles operate on propane or natural gas; these are basically equated to diesel fuel and are part of the use fuel tax. States the committee should be interested in gallons per mile and not miles per gallon or cents per mile. Comments vehicles with higher gas mileage achieve lower cost per mile. Continues cost per mile increases rapidly up to about 35,000 to 40,000 pounds and becomes basically flat for vehicles above that weight.
232	Yates	Explains Oregon also imposes the weight-mile tax rate. Notes it is dependent on weight and does not vary with axle configuration. States vehicles above 80,000 pounds with heavy axle loads cause pavement damage, so the legislature has built in an incentive for operators to put more axles under vehicles.
254	Rep. Lehman	Inquires whether there is an incentive in the weight-mile tax for truckers to drop other axles and lower their rate per mile, since with the registration fee and the fuel tax there is no incentive to do this.
264	Yates	Agrees in current law structure the only incentive for increased number of axles is in lower weight-mile tax rates.
268	Rep. Wells	Asks if the Revenue Office has ever looked at 80,000 lbs. and below, to factor in additional axles, so all axle loadings could be lowered as an incentive to truckers.

282	Yates	Answers if Oregon offers enough incentive to get multi-state operators to add more axles, it would benefit other states. Notes HB 2413, in the 1995 session, took some of the axle incentive down to 26,000 lbs.
290	Rep. Wells	Explains that a single-axle truck carrying 18,000-20,000 lbs. will do as much damage to pavement as a larger vehicle with several axles. States there are still the same axle loadings, but it seems there is an incentive, if the weight-mile tax is maintained, to lower axle load capacities and give some tax breaks.
310	Yates	Agrees. States anything that can be done to reduce equivalent single-axle load factors will reduce pavement damage. Notes it becomes more complicated when talking about structures because it is not just axle loads but loads within a physical range of area. Recognizes that in both cases, there should be incentives to get people to operate in ways which minimize damage to the system.
325	Rep. Kropf	Asks if the current weight-mile system was changed, how trucking companies could be encouraged to continue adding axles on their trucks considering the registration fee issue and a straight cents per gallon tax.
338	Yates	Answers it is difficult to have a graduated fuel tax rate. Notes the advantage of using the fuel tax, as opposed to weight-mile tax, is that truckers could pay the tax through IFTA and minimize the cost of complying with the tax structure. Adds this would also reduce Oregon's administrative costs. Notes it is possible to do anything one wants with a registration fee, as opposed to IFTA, where there are limitations.
361	Rep. Taylor	Notes in her district there are a lot of gravel and rock trucks that are strangely configured and very heavy for their size. Inquires if these trucks have been designed to spread the weight over the axles.
376	Yates	Explains there are legal limits to weight per axle. Suspects Rep. Taylor's observations are correct because companies try to design a system which minimizes their costs.
393	Chair Montgomery	Closes informational meeting and opens public hearing on HB 2635.
<b><u>HB 2635 PUBLIC HEARING</u></b>		
443	Adkins	Explains HB 2635, which allows certain vehicles to be up to 75 feet in length if used for the transportation of agricultural products. Notes the ñ1 amendment would put additional conditions on the 75-foot truck length.
450	Rep. Roger Beyer	District 28. Supports HB 2635. States he introduced HB 2635 at the request of Oregon Christmas tree growers. Indicates this issue was brought to the 1997 legislature because of restrictions counties impose through variance permits. Indicates HB 2635 passed both houses in 1997 but was allowed to die in conference committee with assurance that counties and ODOT would work with agricultural producers to reach a solution that did not require statutory change. Acknowledges they are back now because that did not happen. Adds they are working with ODOT and counties to find a solution to the problem. Comments

		the ñ1 amendments more accurately reflect the bill from 1997.
<b>TAPE 40, A (Note: recording equipment malfunctioned and ran both tapes at the same time)</b>		
368	Rep. Lehman	Inquires if HB 2635 implies local control is bad.
373	Rep. Beyer	Says HB 2635 does not necessarily imply local control is bad. Cites state laws, which require people to use their land to produce agricultural products, are in place. Explains there are also state laws that say the growers cannot use the roads to get their products to market.
388	Rep. Lehman	Replies HB 2635 takes away citiesí and countiesí rights to regulate their roads.
390	Rep. Beyer	Disagrees. Responds under current statute, cities and counties still have authority to close roads for reasons of safety, and HB 2635 does not change that.
396	Rep. Devlin	Comments Clackamas County has developed a system in which drivers are able to get a permit at the tree farm where they are going to pick up the load. Asks if circumstances have improved in Clackamas County but not in Marion County, or if both circumstances are still not satisfactory.
411	Rep. Beyer	Responds both circumstances are unsatisfactory. Explains counties have said local growers must buy permits and then issue them to trucks when they get to the growersí farms. Notes this creates a dilemma as to why it is considered safe for trucks to come to a farm without a permit, yet it is unsafe for them to leave without a permit. Asks how this can be the case if the issue is purely safety.
424	Rep. Krummel	Asks if HB 2635 was stymied by ODOT or local governments when they let it die in 1997.
432	Rep. Beyer	Responds problem has to do with local entities. Suggests the permit system for state highways seems to work well because there is a central place for truck drivers to get a permit if they are over-length. Adds this is not the case with local governments.
440	Rep. Krummel	Notes Clackamas and Marion Counties want growers to issue permits. Asks where the trucks go to get their permits in other counties.
447	Rep. Beyer	Observes there is a truck stop in Clackamas County on I-5 where permits are available, also through local growers, and at the county offices in Oregon City. States the biggest problem is that truckers do not know they need permits.
468	Rep. Wells	Inquires how truckers coming into Oregon know where they fit into size restrictions in the state.
486	Rep. Beyer	Replies 85% or more of trucks on the roads do not fit Oregonís standard

		definition of a truck by length. States there is a need to redefine "standard" truck. Continues this must be resolved at the federal level before states can change their definition of standard trucks.
<b>TAPE 39, B</b>		
012	Rep. Hill	Inquires if empty vehicles can arrive at a farm without restrictions.
014	Rep. Beyer	Replies that is how some counties are interpreting the law.
021	Rep. Hill	Asks if once the agricultural product is loaded on the truck, a permit is needed to move the vehicle from the farm onto the road.
023	Rep. Beyer	Answers some counties are making it possible to buy permits. When the trucks get to a farm, the grower then issues the permit to the truck. Adds these counties have made all growers agents of the county in order to facilitate getting permits into trucks.
030	Rep. Hill	Asks if this system works.
032	Rep. Beyer	Replies it is unsatisfactory.
034	Rep. Hill	Questions whether growers have to pre-buy permits and are not agents collecting money and transferring money.
038	Rep. Beyer	Responds affirmatively.
040	Rep. Taylor	Inquires whether Christmas trees require a certain size trailer.
042	Rep. Beyer	Responds they do not and their transport is done with all truck and trailer combinations.
050	Rep. Taylor	Asks if all farm producers have the same problem.
052	Rep. Beyer	Replies yes.
060	Chair Montgomery	Closes public hearing on HB 2635 and opens public hearing on HB 2003.
<b><u>HB 2003 PUBLIC HEARING</u></b>		
063	Adkins	Explains HB 2003, which would require ODOT to place red stripe on driver's license of person convicted of driving while under the influence of intoxicants.

070	Rep. Lynn Snodgrass	District 10. Supports HB 2003. Explains this is a move toward behavior modification. Adds it gives a person with a red-striped driver's license incentive to change their behavior. Suggests a person who is stopped for driving under the influence of intoxicants (DUI) is likely to have driven under the influence many times and not been caught. Adds merchants could choose not to serve someone with a red stripe and thereby help change their behavior. States will be many amendments presented.
120	Chair Montgomery	Explains no amendments have been presented to the committee at this time.
124	Rep. Snodgrass	Notes persons between the ages of 21 and 30 typically get the DUI charges, and they are also the ones who would need to show IDs because they are carded. Points out there are also older persons who drink and drive and would be reminded when they show their IDs for a particular purpose (e.g., writing a check).
144	Lars Larson	Talk show host for KOIN TV and KXL Radio. Supports HB 2003. Explains his mother died as the result of an accident where the other driver had been drinking. Continues his father received three DUIs, and he once had to bail his father out of jail for a DUI. Explains these experiences have marked his memory, and he has considered ways to prevent people from driving while intoxicated.
179	Larson	Notes average drunk driver has driven drunk 200-400 times before getting caught the first time. Explains if you are convicted of a felony in the United States you cannot own or possess a firearm. Contends he wants merchants to be armed with information on whether a person has had a previous DUI, so they can decide whether to serve the person.
217	Larson	States bars and restaurants can evict people if they create trouble and can refuse to serve them in the future. Explains he wants to give bartenders and store clerks the ability to look at a driver's license and choose not to sell to someone unless they have two years of sobriety. Notes this might influence the customer to change behavior.
233	Chair Montgomery	Explains there will be no work session on HB 2003.
242	Rep. Lehman	Asks if it would be wise to add language to prohibit a person from purchasing alcohol with a driver's license and require all establishments selling or dispensing alcohol to ask for an Oregon driver's license before dispensing to the customer.
250	Larson	Replies he is more comfortable allowing private enterprise to make its own decisions. Notes it would be in the establishment's interest not to serve persons who have a red stripe on their driver's license.
256	Rep. Lehman	Notes we can stigmatize someone who cashes a check, but we do not want to stipulate merchants should not sell to high risk persons in public places.
266	Larson	Explains this step might create a black market. Adds it costs nothing and does not force establishments to take this step. Describes he would rather arm Oregon's citizens with the right information. Adds those who do the right thing will end up

		being rewarded with lower rates.
288	Rep. Lehman	Suggests there is a wealth of data on what deters people from driving under the influence. Believes highest deterrent is stepped-up enforcement. Inquires where HB 2003 falls in the list of priorities of deterring drunken drivers.
299	Larson	States all the other solutions cost a lot of money, and HB 2003 costs nothing. Adds it arms people with information that is already public. Notes if it deters one person for zero cost, there is an absolute gain.
310	Rep. Lehman	Inquires if we are only willing to try to deter drunk drivers if it does not cost money.
314	Rep. Snodgrass	Replies they are looking at behavior modification and that other such programs are costly (e.g. drug and alcohol centers). States HB 2003 creates an opportunity, at no cost, because merchants can help with the behavior modification.
323	Larson	Explains this is the ultimate level of community policing. HB 2003 provides people who sell a dangerous drug should be armed with information, so they can choose to do the right thing.
341	Rep. Wells	Notes people are currently not carded unless they appear underage. Adds a law is needed to require people to show their driver's licenses. Inquires if everyone who buys alcohol in Oregon should be carded.
352	Larson	Replies he is not sure such a law is necessary. Adds every merchant in Oregon has the right to decline to provide service to anyone as long as it is not done on the basis of discrimination.
<b>TAPE 40, B</b>		
011	Rep. Snodgrass	Acknowledges a grocery store near her residence has a statement they will card everyone under the age of 35, no matter how old the person appears.
014	Rep. Lokan	Wonders if this method has been tried elsewhere.
017	Larson	Replies he does not believe so. Explains in a number of clubs everyone gets carded no matter their age. Continues it would not be difficult for clubs and bars to card everyone. States this is a security measure which could save many lives.
028	Kelly Taylor	ODOT. Supports HB 2003. Submits <b>(EXHIBIT A)</b> . Explains HB 2003 requires changes to systems to identify who would get a red stripe on their driver's license, when the red stripe should be removed, etc. Stresses she would like to see the bill given a later operative date. Explains expenditures by ODOT.
065	Rep. Hill	Asks if Taylor has talked to judicial branch about transmitting information on



		convictions and if ODOT receives that information.
070	Taylor	Explains ODOT receives convictions mostly by paper and not electronically.
073	Rep. Hill	Inquires if people are convicted under statute, does ODOT receive the information today or would it be a new filing the judicial branch would have to transmit to ODOT.
075	Taylor	States they would rely on driving record contents and post convictions to people's records. When a person is eligible to be reinstated under HB 2003, they would have to come into the field office and have the red stripe applied or removed.
082	Rep. Hill	States he would like to have OLCC come in and explain how HB 2003 relates to sale of alcohol.
088	Rep. Kropf	Asks what currently happens in ODOT's system when a person is convicted of a second DUII.
090	Taylor	Explains the person's privileges are suspended for three years.
092	Rep. Lehman	Indicates there is a diversion program offered for the first DUII, so the first conviction for DUII is only a one-year suspension.
094	Taylor	States, with a first DUII, the person is eligible to go through a diversion program if they have not had a DUII in 10 years, and if they complete that program, the DUII is not posted to their driving record. Explains a person's second DUII arrest (if convicted) then becomes the first conviction, which requires a one-year suspension of driver's license.
104	Rep. Devlin	Explains effective date of all legislation is January 1 <sup>st</sup> of the following year, and ODOT has to assume existing law. Inquires what classification of offense a DUII is.
112	Taylor	States she believes it is a misdemeanor.
116	Rep. Devlin	Asks if there is a relationship to the Lisa Dole Law when an injury or fatality occurs.
118	Taylor	Stresses those particular crimes apply when a death has occurred by use of a motor vehicle. Adds she does not believe DUII is part of that legislation.
120	Chair Montgomery	Closes Public hearing on HB 2003 and reconvenes public hearing on HB 2635.
<b><u>HB 2635 PUBLIC HEARING</u></b>		

140	Alan Hageman	Sergeant, Oregon State Police Patrol Services Division. Opposes HB 2635. Submits <b>(EXHIBIT B)</b> . Notes state police rely on ODOT to set vehicle length limitations. Expresses enforcement and safety concerns regarding spills if this responsibility is removed from ODOT.
153	Rep. Wells	Asks how practical it is to allow trucks to drive narrow roads to Christmas tree farms and then issue a permit.
158	Hageman	Says he is not involved in permitting process and that the state police's sole concern is if a truck can maintain its lane of travel. Stresses their position is, if it cannot maintain that lane, it probably should not be on the highway.
162	Chair Montgomery	Points out the need to ask the people requiring permits why the trucks can go in but not out.
163	Rep. Kropf	Notes Oregon currently allows 53-foot length trailers on the highways and freeways. Inquires if this is allowed, why it would be improper or unsafe regarding tracking in the lane.
178	Hageman	Suggests a truck should not be on a highway that does not accommodate it.
183	Rep. Kropf	Asks if Hageman feels the current maximum allowable length is unsafe.
185	Hageman	States he is not aware of highways where vehicles are being operated when they cannot maintain lane of travel.
187	Rep. Kropf	Inquires about lane of travel and if it refers to both turning issues with a long vehicle or tracking down a normal lane.
192	Hageman	Explains he is talking about turning.
199	Rep. Krummel	Inquires if sparse police presence on secondary roads means there is also sparse traffic on those roads, so off-track observation might not be as critical as it would be on a larger highway.
204	Hageman	Stresses off-tracking would probably occur in lower traffic areas.
210	Everett Cutter	Oregon Railroad Association. Opposes HB 2635. Expresses concern about the broad language of HB 2635. Explains he thought, at first, it was a narrow, seasonal bill permitting longer trucks; however, it encompasses all agricultural products, including those which move on a year-round basis. Notes, at best, he would encourage amending HB 2635 to apply only to Christmas trees.
227	Chair Montgomery	Asks if the Oregon Railroad Association would accept HB 2635 if it applied only to Christmas trees.

230	Cutter	Responds the Association would not object.
232	John Foster	Co-chair, Oregon Legislative Committee of the Pacific Northwest Christmas Tree Association and Christmas tree producer. Supports HB 2635. Submits <b>(EXHIBIT C)</b> . Notes Christmas trees are among the top 10 agricultural commodities produced in Oregon. Underscores that because of short harvest season, getting trucks to and from farms is critical. Suggests one-stop requirement where a truck could come in 24 hours a day and get a permit for the state and county.
260	Chair Montgomery	Asks if amendments in front of the committee are Mr. Foster's.
265	Foster	Replies they are his, developed after working with Rep. Beyer.
316	Stanley Low	Pacific Northwest Christmas Tree Association. Supports HB 2635. Submits <b>(EXHIBIT D)</b> . Explains it is now the norm for a truck to be 70-75 feet long. Acknowledges as a grower, he cannot request a smaller or shorter truck. Explains the purpose of issuing oversize variance permits for trucks is to recognize danger to other drivers and the road system posed by unusually large loads. States the weighmaster told him in November 1997 that Low was required to purchase and issue permits for all the trucks he intended to load then and in the future. Believes the system is illogical.
353	Low	Notes he tries to reduce danger by giving all drivers complete directions. States he has not had any trucks involved in an accident. Emphasizes HB 2635: <ul style="list-style-type: none"> <li>• Recognizes reality of truck size.</li> <li>• Notes system putting a permit in every truck is counterproductive.</li> <li>• Suggests trucks need a friendly environment consistent with public safety.</li> <li>• Adds that since zoning requires we farm the land we have, we should be allowed to get our farm products to market.</li> </ul>
393	Rep. Devlin	Inquires if the permit given to truck drivers states the route the driver must take.
398	Low	Answers yes. Explains when he issues a permit, he has to note the route the truck is permitted to take to get back to the freeway.
400	Rep. Devlin	Asks if the county charges Low with determining the safety of the vehicle, its size, or anything else.
402	Low	States his obligation to issue a permit and, in Clackamas County, provide a map indicating roads are safe for trucks.
<b>TAPE 41, A</b>		
002	Rep. Kropf	Inquires if overlength trucks have been unable to negotiate turns in and out of fields on county roadways.

007	Low	Explains there are always those problems regardless of the length of the truck.
025	Joseph Sharp	General Manager and partner of Yule Tree Farms. Supports HB 2635. Submits <b>(EXHIBIT E)</b> . Explains the loads hauled for Yule Tree Farms are an integral part of how they maintain their market share. Claims he is perplexed by the fact that their trucks comply with all ODOT regulations and permit requirements in Oregon but are then required to have an overlength permit. Continues that loads hauled for Yule Tree Farms are not heavy enough to require overweight permits. Feels the tax and random road restrictions have increased traffic on the roads since more pieces of equipment are required to stage the trees at other sites approved by the weighmaster.
053	Rep. Wells	Notes the Christmas tree growers live in remote areas where roads are crooked and narrow and asks if anyone has ever restricted any trucks of the normal size hauling to their farm. Wonders what they would do about this in this case.
071	Foster	Answers if certain roads are restricted, they work out a system with the weighmaster. States the weighmaster claims not to have restricted any trucks when it was possible to get them in under some condition.
075	Rep. Kropf	Inquires about permit requirements on restricted roads for other agricultural producers.
083	Foster	Indicates all trucks in Clackamas County are subject to overlength restrictions. Continues that restrictions apply to any other agricultural commodities. Explains Christmas trees and nursery stock are finished products, so are less likely to be using a smaller truck to get from the field to the packing plant.
102	Terry Thompson	General Manager/Sales Manager, Anthony DeSantis Farms. Supports HB 2635. Submits <b>(EXHIBIT F)</b> . Indicates they work with different county ordinances, as well as the State of Oregon. Explains their main farm is on a remote state highway. States when first faced with length restrictions on the highway, ODOT suggested their farm only hire trucks that could meet the length restrictions, but this could not be done.
131	Thompson	Explains frustration of trying to operate within confines of the laws. States the average trailer is larger due to manufacturing trends. Points out transportation equipment has changed, but highways and locations of farms have not and neither have length restrictions. Average trucker does not usually domicile in Oregon or haul in and out of Oregon.
160	Thompson	Maintains since agriculture is the main industry in the state and Oregon has a great number of exports beyond its borders, Christmas tree growers need a level playing field with neighboring states and competitive rates.
176	Rep. Wells	Asks what happened to SB 1023 (1997 session).
183	Thompson	Explains when SB 1023 passed through the House and Senate, those working on it were notified it would be vetoed by the Governor, so it was abandoned.

191	Rep. Wells	Asks what will be different this time.
194	Thompson	Says she is unsure. Adds safety is an issue.
198	Rep. Wells	Inquires if she worked with ODOT to try to solve the problems on Highway 214.
203	Thompson	Replies they did work with ODOT, supplying some money, equipment and gravel. States they worked in a partnership to correct problems restricted to Highway 214.
214	Rep. Lehman	Inquires if DeSantis or other tree growers have been able to obtain transportation for trees out.
218	Thompson	Replies they have not been able, but sometimes the trucks they hire are not legal on the road.
222	Rep. Lehman	Asks if there have been any citations or fines issued to trucks transporting trees in and out of the farms.
225	Thompson	Answers in the affirmative. States some trucks will not come into her location because they cannot comply with Oregon's restrictions or can go to Washington and ignore the problem.
233	Rep. Krummel	Inquires if there has been a good faith effort on the part of all parties to settle the differences, so that HB 2635 will not be vetoed.
239	Thompson	Explains ODOT and the counties recognize there is a problem, but no solution has been reached.
247	Rep. Kropf	Asks why the Governor would veto HB 2635 if safety is the issue. Adds Oregon is allowing 75-foot trucks and 50-foot trailers to come into these farms, load up Christmas trees, and send them back out.
259	Thompson	Replies she does not understand why the veto was offered either.
262	Erin Fleck	President, Emerald Christmas Tree Company. Supports HB 2635. Explains her company is located in Washington, but purchases Christmas trees from 25 locations in Oregon. States they only use truck companies which have full authority license and insurance, and they require annual filings from each of the truck companies. Adds they have a flawless safety record. Notes they have had to expend a lot of money and time to adhere to Oregon permit requirements.
335	Fleck	Explains the process for being in compliance and how much time it takes. Notes they were told the purpose of the permit was to ensure safety by not allowing overlength trucks on state or county roads. States they feel the current permit process in Marion and Clackamas Counties is direct harassment and business

		interference.
380	Chair Montgomery	Notes the hearing will be reconvened on Wednesday, March 10, in Room 50 at approximately 8:30 a.m. in order to facilitate the remaining people who wish to be heard.
386	Rep. Lehman	Inquires if cost of Christmas trees in Oregon is lower than that in Washington.
394	Thompson	Responds no, but it is comparable.
398	Rep. Lehman	Replies that the "highway robbery" has not had any impact on the price farmers are receiving for their Christmas trees in Oregon.
400	Thompson	Responds it is because they are absorbing the cost of the permit.
404	Rep. Krummel	Asks if they can buy permits in bulk and carry over unused permits to the next year.
409	Thompson	Replies they can carry them over to the next year.
413	Chair Montgomery	Closes the public hearing on HB 2635. Adjourns the meeting at 10:30 a.m.

Submitted By, Reviewed By,

Nancy Geisler, Janet Adkins,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A - HB 2003, written material, Kelly Taylor, 1 p.**

**B - HB 2635, written material, Alan Hageman, 1 p.**

**C - HB 2635, written testimony, John Foster, 2 pp.**

**D - HB 2635, written testimony, Stanley Low, 2 pp.**

**E - HB 2635, written testimony, Joseph Sharp, 3 pp.**

**F - HB 2635, written testimony, Terry Thompson, 1 p.**