

HOUSE COMMITTEE ON TRANSPORTATION

April 19, 1999 Hearing Room D

8:30 a.m. Tapes 76 - 77

MEMBERS PRESENT: Rep. Bob Montgomery, Chair

Rep. Jerry Krummel

Rep. Jane Lokan

Rep. Jackie Taylor

Rep. Vicki Walker

Rep. Larry Wells

MEMBER EXCUSED: Rep. Mike Lehman, Vice-Chair

Rep. Richard Devlin

Rep. Jim Hill

Rep. Jeff Kropf

STAFF PRESENT: Janet Adkins, Administrator

Brad Daniels, Administrative Support

MEASURE/ISSUES HEARD: HB 2764 Public Hearing and Work Session HB 2203 Public Hearing and Work Session

HB 3530 Public Hearing and Work Session

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 76, A		

004	Chair Montgomery	Opens the meeting at 8:35 a.m. Opens the public hearing on HB 2764.
<u>HB 2764 PUBLIC HEARING</u>		
007	Janet Adkins	Committee Administrator. Explains HB 2764, which affects the operation of the Grade Crossing Protection Account (GCPA).
012	Everett Cutter	Manager, Oregon Railroad Association. Describes how crossings are prioritized and upgraded. Explains the current function and operation of the GCPA, emphasizing the tediousness of the reimbursement process surrounding progress claims. Discusses how HB 2764 would streamline the process by authorizing a lump-sum reimbursement payment (EXHIBIT A).
067	Cutter	Indicates that the lump-sum method will be used for common, simple projects. States that the estimates will satisfactorily predict costs and will be reviewed periodically. Notes the permissive language of the bill. Supports HB 2764.
091	Rep. Taylor	Asks if the payments are used for upgrading, maintenance and initial installation.
094	Cutter	Replies that it will be used for upgrading crossings, which often involve new installation.
098	Rep. Wells	Asks about the original reason for the reimbursement structure.
103	Cutter	Expresses uncertainty. Relates the history of the GCPA. Mentions that other states have implemented the lump-sum idea.
120	Rep. Wells	Summarizes the change from progress claims to lump-sum payments.
131	Claudia Howells	Rail Division, Oregon Department of Transportation (ODOT). Supports HB 2764. States that HB 2764 will improve the efficiency of fund distribution and accountability. Adds that it will allow ODOT to track projects. Relates the total amount spent on small projects. Indicates that the bill allows ODOT and the railroads to work together ahead of time (EXHIBIT B).
171	Howells	States that she can not explain the reasoning behind the original reimbursement structure. Adds, in response to Rep. Taylor's question, that it would apply to upgrades, but not maintenance as railroads are responsible for maintaining signals after they are installed.
179	Rep. Wells	Asks how HB 2764 improves accountability.
192	Howells	Replies that currently an estimate can be made, but it is not binding on the railroad or the authority. Explains that HB 2764 allows for more

		accountability on the front end by identifying the estimate in the legally binding order.
206	Rep. Krummel	Asks if the accountability would be strengthened upon issuance of the order.
209	Howells	Replies yes.
214	Chair Montgomery	Closes the public hearing on HB 2764. Opens the work session on HB 2764.
<u>HB 2764 WORK SESSION</u>		
225	Rep. Taylor	MOTION: Moves HB 2764 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 4 - Devlin, Hill, Kropf, Lehman
	Chair Montgomery	The motion CARRIES. TAYLOR will lead discussion on the floor.
235	Chair Montgomery	Closes the work session on HB 2764. Opens the public hearing on HB 2203
<u>HB 2203 PUBLIC HEARING</u>		
238	Adkins	Explains HB 2203, which would authorize ODOT to use federal or other state highway fund monies to fulfill their statutory requirement to spend a minimum amount on modernization projects. Comments on the complexity of the pre-1987 formula (EXHIBIT C).
281	Don Aman	Funds and Grants Manager, ODOT. Discusses the history of the statutory modernization requirement (EXHIBIT D).
293	Rep. Taylor	Asks if the requirement is equivalent to two or four cents of the gas tax.
297	Aman	Replies that there were two separate bills in 1985 and 1987 that each specified

		two cents for a total of four cents. Indicates that the minimum level can currently only be met with state funds, and HB 2203 will allow federal funds to be used more effectively. Explains the method of disbursement of federal funds. Notes that ODOT can qualify for additional federal funds depending on how much they spend.
347	Aman	Discusses how HB 2203 would allow federal funds to be spent on modernization, thus allowing state money to be used for maintenance.
366	Rep. Wells	Asks why Oregon may be able to qualify for additional federal money.
372	Aman	Replies that the federal funds work like a credit limit, and other states who may not reach their limits share the extra with states who have reached their limit.
380	Rep. Wells	Asks if the state that gets to the pot first will have the opportunity of getting more money.
382	Aman	Replies yes. Adds that the goal is to use all federal money in order to qualify for more.
388	Chair Montgomery	Questions the logic of the previous formula (EXHIBIT C).
405	Adkins	Mentions concerns about the amount spent on modernization. Asks how HB 2203 would affect the base amount.
418	Aman	Replies that it would not effect what amount of money is spent on modernization, only the source of the funds.
425	Chair Montgomery	Closes the public hearing on HB 2203. Opens the work session on HB 2203.
TAPE 77, A		
<u>HB 2203 WORK SESSION</u>		
004	Rep. Wells	MOTION: Moves HB 2203 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 4 - Devlin, Hill, Kropf, Lehman

	Chair Montgomery	<p>The motion CARRIES.</p> <p>WALKER will lead discussion on the floor.</p>
011	Chair Montgomery	Closes the work session on HB 2203. Opens the public hearing on HB 3530.
<u>HB 3530 PUBLIC HEARING</u>		
016	Adkins	Explains HB 3530 and the ñ1 amendments, which would penalize a motorist who improperly leaves a container of human waste by the highway (EXHIBIT E).
032	Doug Tindall	Maintenance Engineer, ODOT. Emphasizes the problem of finding urine-filled bottles by the highway and the intent of the bill (EXHIBIT F).
045	Andy Anderson	ODOT. Reviews the nature of the problem. (EXHIBIT G).
062	Chair Montgomery	Asks if the bottles are appearing on all Oregon highways.
064	Anderson	Replies yes. Discusses the advisory issued by the hygienist for handling the hazardous substances. Notes that they are being asked to identify the substance as urine.
083	Rep. Lokan	Asks about the current process for disposal.
086	Anderson	Replies that people are hand-carrying the bottles to the land fill. Adds that these people will not be able to dispose of the material in certain locations anymore.
099	Rep. Lokan	Asks if they currently simply set bottles aside.
104	Anderson	Replies yes. Notes that it is for the protection of their employees.
109	Rep. Walker	Asks why the bottle can not be simply dumped down the sewer once it is determined as urine.
111	Anderson	Replies that dumping can occur only after the substance is determined as urine.
115	Rep. Wells	Asks if there is a problem with the term "hazardous substance" in the bill.

129	Tindall	Agrees with Rep. Wells. Notes that "hazardous substance" needs to be changed to "human waste" in both parts of the bill.
136	Anderson	Describes the cost of the problem, which may total \$390,880. Notes that urine is not the only problem. Adds that he counted 28 discarded bottles while driving from the Dalles to Salem.
180	Chair Montgomery	States that the trucking industry is not the only offender.
188	Rep. Lokan	Asks about enforcement.
191	Anderson	Replies that he has seen bottles being discarded.
194	Rep. Lokan	Asks if there would be an opportunity for adequate enforcement.
198	Tindall	Replies that the bill would be a deterrent in itself.
205	Rep. Taylor	Asks if the bill would include highway rest area trash cans.
211	Tindall	Replies that it probably would not.
215	Rep. Taylor	Asks if the bottles are also left on curbs in rest areas.
219	Anderson	Replies yes.
224	Rep. Taylor	States that drive-by disposal sites, like those for motor homes, are needed.
231	Rep. Wells	Asks about the name of the law and the removal of the term "hazardous substance".
238	Chair Montgomery	Cites page 8 and the need to change "hazardous substance" to "human waste".
243	Adkins	Asks how many of the bottles are actually urine.
249	Anderson	Replies that the majority of bottles are urine.
253	Adkins	Notes that states can add additional requirements and restrictions to the commercial driver license.
263	Rep. Taylor	Emphasizes that it is a disgusting problem.

270	Chair Montgomery	Agrees with Rep. Taylor. Notes that the bill does not seek to single out the trucking industry.
284	Rep. Wells	Notes the constant problem with littering.
293	Rep. Taylor	Notes that disposable diapers are also a problem.
298	Chair Montgomery	Replies that he would prefer to make diapers a separate issue. Closes the public hearing on HB 3530. Opens the work session on HB 3530.
<u>HB 3530 WORK SESSION</u>		
317	Chair Montgomery	Recommends that all occurrences of the phrase "hazardous substance" be changed to "human waste".
328	Rep. Krummel	MOTION: Moves to ADOPT HB 3530-1 amendments dated 04/16/99 and that the measure be FURTHER AMENDED by changing all occurrences of the phrase "hazardous substance" to "human waste".
		VOTE: 6-0 EXCUSED: 4 - Devlin, Hill, Kropf, Lehman
		Chair Montgomery Hearing no objection, declares the motion CARRIED.
333	Rep. Krummel	MOTION: Moves HB 3530 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 4 - Devlin, Hill, Kropf, Lehman
		Chair Montgomery The motion CARRIES. KRUMMEL will lead discussion on the floor.

360	Chair Montgomery	Closes the work session on HB 3530. Adjourns the meeting at 9:30 a.m.
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Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñHB 2764, written testimony, Everett Cutter, 2 pp.

B ñHB 2764, written testimony, Claudia Howells, 1 pp.

C ñHB 2203, statute, staff, 1 p.

D ñHB 2203, written testimony, Don Aman, 1 p.

E ñHB 3530, -1 amendments, staff, 1 p.

F ñHB 3530, written testimony, Doug Tindall, 2 pp.

G ñHB 3530, written testimony, Andy Anderson, 6 pp.