

HOUSE COMMITTEE ON TRANSPORTATION

May 12, 1999 Hearing Room D

8:00 a.m. Tapes 100 - 101

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: SB 583A Work Session

SB 1118A Public Hearing and Work Session

SB 655A 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 100, A		

004	Chair Montgomery	Opens the meeting at 8:05 a.m. Opens the public hearing on SB 655A.
<u>SB 655A PUBLIC HEARING</u>		
007	Janet Adkins	Committee Administrator. Explains SB 655A, which would match the boundaries of the Salem mass transit district to the urban growth boundaries.
019	Rep. Walker	Asks what the vote was in the Senate.
024	John Whittington	Transit Development Manager, Salem Area Mass Transit District. Replies that the vote in the Senate was 26-0. Discusses the establishment of a static mass transit boundary, which corresponds to the urban growth boundary (UGB) of 1977. Stresses the need to adjust the mass transit boundary to correct inequities in transit service. Notes that SB 655A will tie the mass transit boundary to the UGB (EXHIBIT A).
062	Rep. Hill	Asks how the mass transit boundary can be expanded today.
063	Ben Featherston	Transit District Legal Counsel. Replies that the district can not expand or change its boundaries.
068	Rep. Lokan	Asks if expanding the boundary expands the tax base.
071	Whittington	Replies that, if enacted, SB 655A would result in a constriction of the district and the collection of less taxes.
080	Rep. Lokan	Asks if the bill gives flexibility in handling transit needs.
082	Whittington	Replies that it does not give flexibility, but changes the district as the UGB changes.
086	Rep. Lokan	Asks if people are currently being taxed according to the 1977 boundary.
089	Whittington	Replies yes.
092	Rep. Lokan	Asks if the transit district's size affects the tax collection.
096	Whittington	Replies yes. Adds that, under SB 655A, properties outside the urban growth boundary will not be taxed.
102	Rep. Hill	Cites the original bill and the use of a public process. Asks about the intention to provide greater service and the presence of an expansion plan.

112	Marcia Kellywise	Vice President, Transit Board. Replies that the current plan is to provide service within a quarter mile of residences within the district. Relates that service will probably not be expanded in the near future.
124	Rep. Hill	Asks about the revenue impact.
126	Kellywise	Replies that the bill will have a negative revenue impact of \$15,000.
131	Rep. Taylor	Asks if the amended statute is particular to the Salem district.
132	Kellywise	Replies yes. Explains that Salem was formed under a separate statute than other mass transit districts.
137	Rep. Devlin	Asks if he can assume that they are serving some customers who are outside the 1977 boundary and not serving others that are inside the 1977 UGB.
143	Kellywise	Replies that they do not serve customers outside of their boundaries. Cites an example of a citizen who will not have to pay for unnecessary service.
152	Rep. Devlin	Asks if the Salem UGB is synonymous with the city boundary.
156	Kellywise	Describes the Salem area UGB, which encompasses the Salem-Keizer area.
164	Chair Montgomery	Closes the public hearing on SB 655A. Opens the work session on SB 655A.
<u>SB 655A WORK SESSION</u>		
168	Rep. Hill	Opposes the bill due to the role of the legislature and the lack of a public process.
175	Rep. Wells	Disagrees with Rep. Hill. States that the bill allows the district to mirror the UGB
184	Rep. Devlin	MOTION: Moves SB 655A to the floor with a DO PASS recommendation.
197		VOTE: 8-1 AYE: 8 - Devlin, Kropf, Krummel, Lokan, Taylor, Walker, Wells, Montgomery NAY: 1 - Hill EXCUSED: 1 - Lehman

	Chair Montgomery	<p>The motion CARRIES.</p> <p>REP. WELLS will lead discussion on the floor.</p>
203	Chair Montgomery	Closes the work session on SB 655A. Opens the work session on SB 583A.
<u>SB 583A WORK SESSION</u>		
205	Adkins	Notes that she received 14 calls in support of SB 583A. Introduces a letter from Governor Kitzhaber in opposition to the bill (EXHIBIT B).
215	Teresa Hepker	BikePAC. Supports SB 583A. Observes that helmet laws stem from the explosion in motorcycle popularity and accidents in the 1960s and 70s. Reviews measures taken to make motorcycling safer. Cites charts concerning motorcycle accidents and helmet laws (EXHIBIT C). Discusses the number of accidents in Oregon and the difficulty of showing trends due to the size of Oregon's statistical sample.
295	Hepker	Stresses the helmet laws are not a fix all. Describes the Oregon Health Policy Institute (OHPI) panel, its function and its conclusions. Notes that motorcyclists' experience on the road is not reflected in literature, citing anecdotal evidence about the detrimental effects of helmets. Opposes a mandatory helmet law.
365	Rep. Krummel	Asks about the fatality rate for motorcyclists and motorists.
382	Hepker	Expresses uncertainty.
385	Rep. Taylor	Cites her defense of motorcycle helmets, which is based on the prevention of brain injuries. Asks about statistical information concerning brain trauma.
401	Hepker	Concedes that, in certain situations, helmets are capable of preventing brain injuries, but notes that helmets will not be effective at certain speeds, which have not yet been measured. States that the feelings of motorcyclists are not taken into account, citing the fact that car passengers will never be subjected to a helmet law. Stresses the importance of knowledge and rider education.
TAPE 101, A		
019	Rep. Lokan	Refers to the cost of insurance and the possibility that costs will increase if the helmet law is repealed. Asks about the impact of the law on rates.

032	Hepker	Replies that representatives from insurance agencies do take account of helmet laws.
044	Rep. Kropf	Refers to arguments against repealing the law that focus on the public cost of sufferers of brain trauma. Asks if any data exists concerning motorcycle riders who have suffered these types of injuries and the resultant public cost.
055	Hepker	Cites a North Carolina study that shows no difference between motorcyclists and other members of the population in this regard.
066	Rep. Devlin	Refers to the requirement for airbags. Asks if the helmet law is a similar effort on the part of government to promote safety.
076	Hepker	Replies that consumers have recognized the dangers of airbags and now have a choice on whether or not to include them.
084	Rep. Devlin	Notes that government makes efforts to reduce injuries and control costs to the public.
094	Hepker	Concedes that efforts can be made, but mistakes can also be made.
099	Rep. Hill	Asks what happens to the human head when it comes in contact with the pavement or a solid object at 35 miles per hour.
101	Hepker	Replies that various types of trauma will result, but exactly what will happen is unpredictable.
114	Rep. Walker	Cites a statement from the OHPI report: "All members of the panel believed there was protective value in wearing helmets under most circumstances." Asks if, as a member of the panel, she agrees with this statement.
119	Hepker	Replies yes.
121	Rep. Lokan	Asks if motorcyclists are required to carry insurance to cover various situations.
126	Hepker	Replies that she does believe all or most of these situations are covered.
130	Rep. Wells	Replies that motorcyclists are not required to have personal injury protection.
135	Hepker	Adds that there is a difference between personal injury protection and medical policies, which are available on most policies.

145	Troy Costales	Traffic Safety Division Manager, Oregon Department of Transportation (ODOT). Reviews statistics from Oregon and other states about the beneficial effect of helmet laws on motorcycle-related deaths. Relates the fatality rate for motor vehicle accidents in response to Rep. Krummel's earlier question. States that 80% of motorcycle crashes result in injury or death, while the rate is 40% for passenger cars (EXHIBIT D).
200	Bob Avery	Aide to Rep. Jim Welsh. Supports SB 583A. Discusses the freedom argument and the need for motorcyclists to determine their fate. Cites the OHPI report, noting that it found no definitive evidence concerning the effect of helmets. Indicates that helmets do not prevent accidents, but may change the outcome (EXHIBIT E).
250	Avery	Cites statistics concerning the rise in the death-per-accident rate despite the helmet law. Questions why this is the case. Adds that the emphasis on the helmets has diverted attention from the real issues.
296	Rep. Lehman	Refers to the Avery's testimony about majority and minority groups. Asks if the theory of government is to allow a majority to impose burdens on minorities.
308	Avery	Replies that motorcyclists do not have the resources to educate the public.
314	Rep. Lehman	Cites Ballot Measure 5. Asks if the majority has imposed an unfair burden on the minority in this case.
322	Avery	Replies yes.
323	Rep. Lehman	Asks if the legislature should examine all initiatives or ballot measures and overturn the will of the voters if necessary.
332	Avery	Replies that not all measures should be examined, but underlines that the helmet law should be changed.
341	Rep. Lokan	Asks why SB 583A may get past the Governor.
349	Avery	Replies that last session's bill was polluted by bad information concerning the fiscal impact of repealing the helmet law. Adds that 10 years of data are now available showing the rising death rate.
367	Rep. Hill	Contests Avery's conclusions. States that traffic conditions, road conditions and motorcycle speed all may be factors in the increasing death rate. Stresses that better, more accurate data needs to be collected. Emphasizes that helmets are practically effective and that driving is a privilege not a right.
TAPE 100, B		

016	Rep. Kropf	Notes that the traffic mix has changed, but asks why the number of accidents has declined.
023	Avery	Replies that the decline has resulted because of the training. Stresses that the helmet law is not allowing the resources to be devoted to this cause.
034	Rep. Kropf	Asks about the medical costs needed to support motorcyclists who are injured and who were not wearing a helmet.
039	Avery	Replies that studies have looked at this issue, many of which are flawed. Cites the North Carolina study referred to earlier by Hepker.
050	Sherman Penick	Supports SB 583A. Notes that statistics can be twisted depending on the views of the analysts. Stresses the importance of defensive driving and his preference to ride without a helmet (EXHIBIT F).
093	Rep. Kropf	MOTION: Moves SB 583A to the floor with a DO PASS recommendation.
100	Rep. Lehman	Opposes the bill for two reasons: 1) the legislature should not repeal the will of the voters 2) the Governor has assured his veto.
125	Rep. Krummel	Cites statistics of earlier testimony and examples of how to determine what happens to the brain in accidents. Agrees that the public has born the financial brunt. States that medical insurance should be mandatory for motorcyclists. Indicates that he doesn't like overturning the will of the voters. Supports SB 583A out of committee, but not necessarily on the floor.
186	Rep. Walker	Opposes SB 583A, citing multiple reasons for her opposition including the protective value of helmets, the age restriction and the Governor's probable veto.
225	Rep. Kropf	Supports SB 583A. Refers to the fact that motorcyclists assume the risks themselves.
245		VOTE: 5-5 AYE: 5 - Kropf, Krummel, Lokan, Wells, Montgomery NAY: 5 - Devlin, Hill, Lehman, Taylor, Walker
	Chair Montgomery	The motion FAILS.

271	Chair Montgomery	Closes the work session on SB 583A. Opens the public hearing on SB 1118A.
<u>SB 1118A PUBLIC HEARING</u>		
272	Adkins	Explains SB 1118A, which increases the fee for the Student Driver Training Fund. Discusses the possible conflict with HB 2193, which increases the renewal period from four to eight years and would decrease contributions to the fund, and the need for a conceptual amendment to adjust the fee to \$6 to account for the eight year cycle.
317	Mike Sherlock	Oregon Traffic Safety Education Association. Supports SB 1118A. Reports that the concept was part of the transportation package last session. Emphasizes that there are very effective driver's education programs, citing Washington as an example.
358	Frank West	Driver's Education Instructor. Comments on the funding squeeze on schools.
381	Rep. Wells	Asks if parents pay any part of the cost of driver's education.
385	West	Replies that each student within the district is required to pay \$40; students outside of the district will pay \$125.
392	Rep. Wells	Asks about increases in the parental contribution.
398	West	Replies that the cost was increased from \$30 to \$40 and \$100 to \$125 this year.
401	Rep. Walker	Asks if the bill always intended to ask for a \$1 increase.
414	Sherlock	Replies that they thought \$1 was the maximum amount possible.
419	Rep. Lokan	Asks who conducts the driver's training.
TAPE 101, B		
003	West	Replies that schools and privatized organizations provide the training.
008	Rep. Lokan	Asks about the comparative costs between schools and private organizations
012	West	Expresses uncertainty. Observes that it would cost students more for privatized service in his district.

022	Kathryn Dysart	Salem-Keizer School District. States that there is not enough money in the Student Driver Fund to adequately reimburse districts. Indicates that originally they talked about a \$2 increase, but were assured by ODOT and the Department of Education that \$1 would be sufficient (EXHIBIT G).
046	Rep. Lehman	Asks how much tuition is charged at the Salem-Keizer school district.
048	Dysart	Replies that it varies based upon reimbursement estimates. Discusses the effect of using a contracted service on the level of reimbursement.
056	Rep. Lehman	Asks if they no longer use contracted services.
057	Dysart	Replies that they do contract out to Oregon Driver's Training Institute, which can offer service less expensively.
065	Rep. Lehman	Asks if driver's education classes are offered during the school day and if students receive credit.
066	Dysart	Replies that driver's education is offered before and after school and on weekends. Adds that students do receive elective credit depending on the district.
073	Rep. Kropf	Asks about the revenue impact of SB 1118A.
074	Dysart	Answers that the \$1 may leave insufficient funds given the change in the renewal cycle.
083	Rep. Kropf	Asks if she can estimate how much the \$1 will affect the reimbursement.
088	Dysart	Replies that it would increase her funds by one-third.
093	Chair Montgomery	Asks if the state receives any money from the fee.
094	Dysart	Expresses uncertainty.
097	Rep. Lehman	Notes that the increase in fees does not guarantee that the reimbursement will also increase because of the possible increase in students taking driver's education.
103	Adkins	Adds that the \$1 million is a statewide figure.
108	Tamara Dykeman	Oregon Community College Association. Supports SB 1118A. Lists the community colleges that offer driver's education programs (EXHIBIT H).

125	Rep. Walker	Asks if Lane Community College receives money from the Student Driver Training Fund.
127	Dykeman	Replies yes, but she will have to check.
133	Rep. Lokan	Asks if the programs at community colleges are administered through private companies or school personnel.
136	Dykeman	Replies that the schools use their own resources.
138	Rep. Lokan	Questions if going to privatization would be a more efficient way to offer service.
143	Smart	Replies that there is no private company in her district to offer driver's education.
149	Kelly Taylor	Division of Driver and Motor Vehicle Services (DMV), ODOT. Notes that a delayed effective date would be needed for programming concerns.
167	Chair Montgomery	Asks if the effective date needs to be March 1, 2000.
171	Taylor	Replies yes. Suggests that the \$3 fee be effective March 1, 2000 and go to \$6 on October 1, 2000 to coincide with the renewal period change.
178	Chair Montgomery	Asks if DMV takes administrative fees as the money is distributed to schools.
179	Taylor	Replies that a small portion fee is taken to cover administrative costs.
184	Chair Montgomery	Asks about the amount.
184	Taylor	Replies that it is very small.
189	Rep. Krummel	Suggests a limitation of DMV's administrative fee to no more than 5%.
197	Taylor	Stresses that the purpose of the administrative fee is to remain within constitutional restrictions. Adds that the fee is kept to exact costs.
202	Chair Montgomery	Closes the public hearing on SB 1118A. Opens the work session on SB 1118A.
<u>SB 1118A WORK SESSION</u>		

204	Adkins	Explains the fiscal impact of the bill as conceptually amended.
218	Rep. Hill	MOTION: Moves to AMEND SB 1118A to increase the fee from \$2 to \$3 on March 1, 2000 and further increase the fee to \$6 on October 1, 2000.
235	Rep. Hill	Asks if the dates apply to licenses that come up for renewal.
237	Adkins	Replies yes. Explains the reason for the amendment.
241	Rep. Lokan	States that school districts should examine cost effective measures, possibly privatization.
256		VOTE: 10-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
257	Rep. Hill	MOTION: Moves SB 1118A to the floor with a DO PASS recommendation.
259	Rep. Lehman	Observes that some people who voted for graduated licensing will vote against SB 1118A. Comments on the policy of encouraging young drivers to take driver's education and receive class credit, but charging money to do so.
271		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Montgomery	The motion CARRIES. REP. KROPF will lead discussion on the floor.
280	Chair Montgomery	Adjourns the meeting at 9:45 a.m.

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Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñSB 655A, written testimony, John Whittington, 1 p.

B ñSB 583A, letter, Governor John Kitzhaber, 1 p.

C ñSB 583A, written testimony, Teresa Hepker, 1 p.

D ñSB 583A, written testimony, Troy Costales, 5 pp.

E ñSB 583A, written testimony, Bob Avery, 3 pp.

F ñSB 583A, written testimony, Sherman Penick

G ñSB 1118A, written testimony, Kathryn Dysart, 1 p.

H ñSB 1118A, written testimony, Tamara Dykeman, 1 p.