

HOUSE COMMITTEE ON TRANSPORTATION

May 5, 1999 Hearing Room D

8:00 a.m. Tapes 93 -95

MEMBERS PRESENT: Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Richard Devlin

Rep. Jim Hill

Rep. Jeff Kropf

Rep. Jane Lokan

Rep. Jackie Taylor

Rep. Vicki Walker

Rep. Larry Wells

MEMBERS EXCUSED: Rep. Jerry Krummel

STAFF PRESENT: Janet Adkins, Administrator

Brad Daniels, Administrative Support

MEASURE/ISSUES HEARD: HB 3090 Public Hearing and Work Session

SB 108A Public Hearing

HB 3303 Public Hearing and Work Session

HB 3418 Public Hearing and Work Session

HB 3614 Public Hearing and Work Session

HB 3508 Public Hearing

TAPE/#	Speaker	Comments
TAPE 93, A		
004	Chair Montgomery	Opens the meeting at 8:05 a.m. Opens the public hearing on SB 108A
<u>SB 108A PUBLIC HEARING</u>		
007	Janet Adkins	Administrator. Explains SB 108A, which would create the Oregon Department of Aviation. Refers to Section 7 of the bill and the duties that will be retained by ODOT. Explains the required qualifications for the new director, including that he/she must be a pilot.
035	Rep. Hill	Asks about the pilot requirement for the director.
041	Adkins	Replies that the person would be required to have a pilot's license and have experience managing airports.
048	Chair Montgomery	Asks the committee to discuss possible amendments to the bill.
056	Rep. Lehman	Suggests that the new Department shall not establish rules affecting land use. Adds that the new Department should act at the direction of the Governor.
070	Chair Montgomery	Supports the amendment concerning the direction of the Governor.
079	Chuck Bennett	Oregon Aviation Coalition. Underlines that the amendments will not change the fiscal impact statement.
097	Paul Meyerhoff	Director, Pape Group. Emphasizes the importance of airports to the state, citing the airports in Sunriver and Bandon.
139	Rep. Lehman	Asks if there is any opposition to the proposed amendments.
143	Meyerhoff	Replies no. Adds that a pilot's license is a lifetime license.
148	Rep. Lehman	Asks if the pilot requirement for the director should be eliminated.
153	Bennett	Agrees with Rep. Lehman, but notes that pilots have a unique understanding of airport functions.
167	Rep. Lehman	Asks if the new Department should be taken out of the land-use process.

171	Meyerhoff	Replies that the Department would serve a function in land-use issues. Supports the amendment as long as the Department will still have input in the land-use process.
185	Grace Crunican	Director, Oregon Department of Transportation (ODOT). Opposes SB 108A. Reviews the history of additions to ODOT's responsibilities, the resulting changes within ODOT, including the creation of new divisions, and the benefits of an inter-modal agency. Indicates the three recommendations of the Aviation Advisory Committee: adopt the land-use standards, work on getting further funding, and preserve and develop air service.
236	Crunican	States the goals for the future in the Aviation Division. Opposes any dismemberment of ODOT.
258	Rep. Lehman	Asks if the administrative charges of ODOT to the Department of Administrative Services (DAS) are higher than they would be in a separate department.
264	Crunican	Explains the allocation structure within ODOT and the reasons for complaints about administrative costs of the Aeronautics Division.
285	Rep. Lehman	Asks about the advantages of ties to ODOT.
290	Crunican	Replies that the in-house coordination, the increased likelihood of partnerships and increased ability to coordinate with local governments are some advantages.
319	Rep. Hill	Expresses concern that the savings resulting from a separate department would be transitory. Questions the compelling interest of the bill. Asks if opportunities to address aviation issues have been lost because of the connection with ODOT.
360	Crunican	Replies that the Aeronautics Division does have its own building. Stresses that savings are important, but the greater argument for SB 108A is an increased ability to advocate and independence. Indicates that the Department will still be a state agency that works for the governor, not an independent organization.
TAPE 94, A		
006	Rep. Kropf	Cites Meyerhoff's testimony of 4/28/99. Asks about removal of employees from the Aeronautics Division to ODOT.
012	Crunican	Replies that, over time, funding has not increased while salaries have increased. Adds that the Aeronautics Division has been closed before due to lack of funding.

026	Rep. Kropf	Asks why the people were moved from the Aeronautics Division to ODOT.
027	Crunican	Expresses uncertainty.
035	Rep. Devlin	States that he will support the bill if it gets to work session. Notes that transportation and land use should be coordinated, but declines to advocate for the integration of the Land Conservation and Development Department with ODOT. Asks if a small division of ODOT can get lost in such a big agency.
047	Crunican	Answers that the separate divisions have regular access to her. Reiterates her support for the division. Notes that, if the Aeronautics Division is removed, then ODOT's revenue collection responsibilities should be removed too.
092	Ted Millar	Aviation Advisory Committee (AAC). Describes the membership of the AAC. Supports SB 108A.
110	Chair Montgomery	Asks if he supports the proposed committee amendments.
114	Millar	Replies that he does not see a problem with the amendments, noting that it is helpful if the director is a pilot.
121	Rep. Lehman	Notes that the pilot requirement can still be a necessary qualification without being a statutory requirement.
123	Millar	Agrees with Rep. Lehman. States that aeronautics should be part of the land use planning process.
130	Rep. Wells	Asks about the future and function of the AAC.
136	Millar	Expresses uncertainty.
145	Tom Mann	Lone Star Northwest. Introduces the ñA2 amendment, concerning water impoundments and the definition of a hazard (EXHIBIT A).
184	Mike Van Hoomissen	Oregon Aviation Alliance. Describes the membership of his organization. Supports SB 108A and the suggested committee amendments. Notes that the changes reported by Crunican have not been implemented and aviation has always been the last priority.
217	Rep. Hill	Asks how the separate Department would provide more money.
221	Van Hoomissen	Replies that the agency would have control of its own budget, not have to raise issues from the bottom to the top of ODOT, and be more efficient.

248	Rep. Hill	Asks about the tangible result of the separation.
259	Van Hoomissen	Replies that the director would be able to present the problems and issues facing the aviation community.
266	Rep. Hill	Questions to whom these problems would be voiced.
268	Van Hoomissen	Lists possible recipients.
273	Rep. Lehman	Asks if the Governor will have more time for aviation.
279	Van Hoomissen	Replies that the question is not more time for the Governor, but more time for the director.
284	Rep. Lehman	Asks if the governor wants a separate Department of Aviation.
286	Van Hoomissen	Expresses uncertainty.
290	Betsy Johnson	Emphasizes that SB 108A is not an ODOT-bashing bill. Notes that an Aeronautics Department or similar agency goes back to 1921.
317	Rep. Lehman	Asks if the financial responsibilities should also be separated from ODOT.
321	Johnson	Replies that ODOT would simply retain a tax collection function and would collect a fee for their service. States that she resigned as director of Aeronautics because ODOT has not valued aviation, noting that monthly meetings are not sufficient.
367	Johnson	Relates some substantive examples of how the division has been hurt by its ties to ODOT, including lack of attention to aviation issues and funding, administrative problems, and a budget subsumed within ODOT's. States that not one person in the aviation community opposes the bill.
TAPE 93, B		
021	Rep. Kropf	Asks about the demands on the time of the aviation manager for ODOT meetings.
030	Johnson	Replies that too much time is taken up with attending superfluous meetings.
040	Meyerhoff	Adds that he had the same experience.

044	Rep. Kropf	Asks if more money would be used for services that would benefit Oregon pilots.
050	Johnson	Replies yes.
051	Rep. Kropf	Asks if managers have been unable to advocate for the aviation community with ODOT.
057	Meyerhoff	Relates the example of the need for further funding and the decade-long struggle to get an aviation tax increase, which was supported by the users.
079	Rep. Hill	Asks about the initiative of the pilots to advocate for a tax increase.
094	Johnson	Replies that the problem was that an aviation tax increase was required to be part of an overall transportation package and, despite overwhelming constituent support, failed with that package.
105	Chair Montgomery	Closes the public hearing on SB 108A.
107	Rep. Hill	Notes a further problem of the bill's operative date.
121	Rep. Lehman	Restates his conceptual amendments concerning land use, pilot requirement for the director and answer to the Governor.
139	Chair Montgomery	Opens the work session on HB 3090.
<u>HB 3090 WORK SESSION</u>		
140	Rep. Lehman	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 3090.
142		VOTE: 9-0 EXCUSED: 1 - Krummel
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
143	Rep. Lehman	MOTION: Moves to RECONSIDER the vote by which the committee moved HB 3090 to the floor with a DO PASS AS AMENDED recommendation.

		<p>VOTE: 9-0</p> <p>EXCUSED: 1 - Krummel</p>
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
148	Rep. Lehman	Explains that the reason for the reconsideration is the adoption of further amendments that will limit the fiscal impact of the bill.
160	Rep. Lehman	MOTION: Moves to ADOPT HB 3090-2 amendments dated 05/04/99, replacing the n1 amendments previously adopted.
169	Rep. Lokan	Asks about the fiscal impact.
172	Rep. Lehman	Replies that each study would still cost the same amount, but the amendment would limit the number of studies done.
180	Adkins	Notes that ODOT is still restricted in current law from implementing tolls except where specifically authorized.
185		<p>VOTE: 9-0</p> <p>EXCUSED: 1 - Krummel</p>
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
187	Rep. Lehman	MOTION: Moves HB 3090 to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 8-1</p> <p>AYE: 8 - Devlin, Hill, Kropf, Lehman, Lokan, Taylor, Wells, Montgomery</p> <p>NAY: 1 - Walker</p> <p>EXCUSED: 1 - Krummel</p>

	Chair Montgomery	The motion CARRIES. LEHMAN will lead discussion on the floor.
202	Chair Montgomery	Closes the work session on HB 3090. Opens the public hearing on HB 3303.
<u>HB 3303 PUBLIC HEARING</u>		
208	Adkins	Explains HB 3303. Introduces the ñ1 amendments (EXHIBIT B).
224	Rep. Judy Uherbelau	District 52. Supports the bill and the ñ1 amendments. Refers to a citizen letter about the difficulty of receiving a disabled placard (EXHIBIT C).
270	Rep. Hill	Asks if the person would be able to register multiple vehicles.
277	Chair Montgomery	Replies that it would allow one vehicle per person.
278	Adkins	Notes that the intent of the original law was not to prevent two people in a household from receiving placards, though in practice it had that result.
283	Chair Montgomery	Closes the public hearing on HB 3303. Opens the work session on HB 3303.
<u>HB 3303 WORK SESSION</u>		
285	Rep. Walker	MOTION: Moves to ADOPT HB 3303-1 amendments dated 05/04/99.
		VOTE: 7-0 EXCUSED: 3 - Krummel, Kropf, Lehman
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
297	Rep. Walker	MOTION: Moves HB 3303 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0

		EXCUSED: 3 - Kropf, Krummel, Lehman
	Chair Montgomery	Hearing no objection, declares the motion CARRIED. WALKER will lead discussion on the floor.
303	Chair Montgomery	Closes the work session on HB 3303. Opens the work session on HB 3418.
<u>HB 3418 PUBLIC HEARING</u>		
304	Adkins	Introduces and explains the ñ1 amendments (EXHIBIT D).
323	Rep. Uherbelau	Describes the problem that the bill intends to solve: increasing the parking time limitation for holders of group disabled placards.
353	Adkins	Asks about the use of program placards in 30 minute parking zones.
367	Kelly Taylor	Division of Driver and Motor Vehicle Services (DMV), ODOT. States that a individual person with a placard can park anywhere for any amount of time, except in spots that are restricted to 30 minutes or less. Notes that this language needs to be included to apply to group placards.
380	Rep. Wells	Asks if the bill allows people to park up to three hours in cities with parking meters.
384	Taylor	Replies yes.
387	Rep. Wells	Asks if the state is overriding a city's ability to raise funds.
392	Taylor	Replies that individual disabled persons currently have the ability to avoid parking fees. Notes that the bill will allow a person with a group placard to be in the same situation. Adds that the director of the Oregon Disabilities Commission supports the ñ1 amendments.
412	Rep. Lokan	Asks why the time distinction exists.
417	Taylor	Replies that 15-30 minute zones are designed for quick turnaround.

TAPE 94, B

004	Rep. Wells	Asks who the bill will apply to.
006	Taylor	Replies that it applies to programs that transport disabled persons.
010	Rep. Wells	Asks if the bill will allow an able-bodied driver to park for extended periods of time
014	Taylor	Describes the bill's intention to allow drivers to accompany disabled clients.
026	Rep. Uherbelau	Adds that many programs insist that the person stay with the patient during the visit.
032	Chair Montgomery	Closes the public hearing on HB 3418. Opens the work session on HB 3418.
<u>HB 3418 WORK SESSION</u>		
035	Rep. Hill	MOTION: Moves to ADOPT HB 3418-1 amendments dated 05/04/99 and be FURTHER AMENDED by inserting a subsection d that states: "Parking in zones where parking is permitted only for 30 minutes or less."
		VOTE: 7-0 EXCUSED: 3 - Kropf, Krummel, Lehman
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
040	Rep. Hill	MOTION: Moves HB 3418 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 EXCUSED: 3 - Kropf, Krummel, Lehman
	Chair Montgomery	Hearing no objection, declares the motion CARRIED. UHERBELAU will lead discussion on the floor.

055	Chair Montgomery	Closes the work session on HB 3418. Opens the public hearing on HB 3614.
<u>HB 3614 PUBLIC HEARING</u>		
056	Adkins	Explains HB 3614, which prohibits disclosure of personal information by ODOT unless requested by the individual.
070	Rep. Patridge	District 50. Notes that it is not good public policy to release records to private, bulk-mailing companies. Discusses the bill and its effect on records management.
100	Rep. Hill	Supports the concept as good public policy and a better approach to managing information.
133	Bill Seely	DMV, ODOT. Explains the current opt-out policy and the reversal of that policy resulting from the bill. Notes that citizens have complained about the practice in the past (EXHIBIT E).
157	Rep. Wells	Asks if DMV charges for the bulk mailing lists.
158	Seely	Replies yes.
167	Rep. Taylor	Asks if the opportunity to opt out is offered when a license is acquired or renewed.
171	Seely	Replies yes.
175	Rep. Taylor	Asks about the history of the opt-out option.
177	Seely	Responds that the opt-out policy has been around since 1989. Notes that more aggressive efforts have increased the number of opt-outs.
193	Rep. Taylor	Indicates that the present policy seems to be working well, and it may not be beneficial to reverse the policy.
204	Rep. Patridge	Replies that some people were not aware of their options and would not prefer to have their address sold. Notes that the bill will save work and time.
228	Rep. Wells	Asks about the percentage of people whose information will be available.

233	Seely	Replies that an estimated 75-85% of people will opt out under the current system.
242	Rep. Wells	Notes that the program may be already dead.
243	Seely	Agrees that there is a point at which the business is not viable, but does not know where this point is.
255	Ted Hughes	R.L. Polk Company. Expresses concern about changes to access to DMV records. Commends DMV for their efforts. Supports the bill.
287	Rep. Hill	Asks if the bill would impact his company's ability to obtain information for the purposes of recalls.
291	Hughes	Replies yes.
295	Rep. Hill	Notes that the bill does not affect than information needed to facilitate car recalls because it deals with selling information for commercial use.
308	Hughes	Agrees with Rep. Hill, but expresses concern about the scope of the bill.
314	Rep. Lokan	Expresses concern about the impact on small businesses.
328	Rep. Hill	Supports the bill.
340	Chair Montgomery	Closes the public hearing on HB 3614. Opens the work session on HB 3614.
<u>HB 3614 WORK SESSION</u>		
343	Rep. Hill	MOTION: Moves to ADOPT HB 3614-1 amendments dated 04/28/99.
370	Rep. Lokan	Opposes the bill.
372	Rep. Wells	Opposes the bill.
375	Rep. Walker	Expresses concern about the fiscal impact, but supports the bill.
		VOTE: 6-3 AYE: 6 - Devlin, Hill, Kropf, Lehman, Walker, Montgomery

		<p>NAY: 3 - Lokan, Taylor, Wells</p> <p>EXCUSED: 1 - Krummel</p>
	Chair Montgomery	The motion CARRIES.
400	Rep. Hill	MOTION: Moves HB 3614 to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 6-3</p> <p>AYE: 6 - Devlin, Hill, Kropf, Lehman, Walker, Montgomery</p> <p>NAY: 3 - Lokan, Taylor, Wells</p> <p>EXCUSED: 1 - Krummel</p>
	Chair Montgomery	<p>The motion CARRIES.</p> <p>HILL will lead discussion on the floor.</p>
TAPE 95, A		
018	Chair Montgomery	Closes the work session on HB 3614. Opens the public hearing on HB 3508.
<u>HB 3508 PUBLIC HEARING</u>		
021	Adkins	Explains HB 3508, which requires ODOT to install a traffic signal in Ontario, to be paid for by the Pilot Corporation.
030	Tom Lulay	ODOT. Notes that installing the signal does not provide an acceptable long-term solution without other road improvements (EXHIBIT F).
043	Chair Montgomery	Asks if the City of Ontario has been working with ODOT.
045	Lulay	States that the city recognizes the need for additional improvements along with the signal.

048	Rep. Lokan	Asks if Ontario is in favor of ODOT's desire to delay installation of the signal.
051	Lulay	Replies that the city recognizes the need for further improvements and a joint solution.
058	Rep. Kropf	Asks if the issue is a safety issue.
060	Lulay	Replies that he believes so.
065	Rep. Lehman	Asks about the effect on properties around the signal.
069	Lulay	Replies that there would be impacts.
074	Rep. Lehman	Asks if the signal will affect property development.
077	Lulay	Expresses uncertainty.
084	Rep. Tom Butler	District 60. Indicates that he is affiliated with the Pilot Corporation and does own property in the immediate area of the proposed signal. Reports that the bill addresses safety concerns. Explains the geography of the particular area. Notes the restriction to access to the surrounding property that has resulted and will result from ODOT's improvements.
131	Rep. Butler	States that the surrounding property is industrial, not commercial. Restates his conflict of interest and the lack of any cost to the state.
155	Rep. Wells	Asks if the signal would be on the main street of Ontario.
158	Rep. Butler	Replies yes.
160	Rep. Wells	Asks if an access road can be installed to solve the problem.
161	Rep. Butler	Replies that efforts have been unsuccessful in this regard.
166	Rep. Wells	Asks if an access road would solve the problem.
171	Rep. Butler	Replies that the access road is about 2 1/2 blocks away and would be superfluous.
183	Chair Montgomery	Closes the public hearing on HB 3508. Adjourns the meeting at 10:20 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A SB 108A, written testimony and A2 amendment, Tom Mann, 2 pp.

B HB 3303, -1 amendment, staff, 1 p.

C HB 3303, letter, Robert J. Katkevich, 1 p.

D HB 3418, -1 amendment, staff, 1 p.

E HB 3614, written testimony, Bill Seely, 1 p.

F HB 3508, written testimony, Tom Lulay, 1 p.