

SENATE COMMITTEE ON RULES AND ELECTIONS

May 27, 1999 Hearing Room B

8:00 a.m. Tapes 65 ñ 66

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Lee Beyer

Sen. Peter Courtney

Sen. Neil Bryant

MEMBER EXCUSED: Sen. Randy Miller, Vice-Chair

STAFF PRESENT: Megan Palau, Administrator

Gary Roulier, Administrative Support

MEASURE/ISSUES HEARD: HB 3506A Public Hearing and Possible Work Session

HB 3505A Public Hearing and Possible Work Session

HB 2635A Public Hearing and Possible Work Session

HB 3461A Public Hearing and Possible 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 61, A		
002	Chair Starr	Opens meeting at 8:06 a.m. and opens a public hearing on HB 3505A and HB 3506A.
<u>HB 3505A AND HB 3506A PUBLIC HEARING</u>		

032	Rep. Tom Butler	House District 60. Testifies in support of HB 3506A which increases the weight limits for field-loaded farm trucks going between Idaho and Malheur County. Explains the importance of the onion crop to Malheur County.
054	Rep. Butler	Summarizes the geography of Malheur County and notes that many of the agricultural fields are bisected by the border of Oregon and Idaho. Adds that this causes problems because an agricultural truck may be within legal weight limits in Idaho and overweight in Oregon.
101	Rep. Butler	Comments that HB 3506A would allow the trucks in Malheur County to exceed the listed Oregon weight limits for farm trucks. Adds that the county roads are capable of withstanding the Idaho truck weights.
151	Rep. Butler	Notes that HB 3506A benefits economic development in Malheur County.
160	Sen. Courtney	Asks if Idaho allows a higher weight than Oregon.
165	Rep. Butler	Responds that is correct. Adds that coordination on this issue has been carried out with Idaho.
174	Sen. Courtney	Asks if Idaho has a weight-mile tax or a diesel fuel tax.
180	Rep. Butler	Responds that Idaho has had a weight-mile tax and is transitioning to a diesel fuel tax.
190	Don Schellenberg	Oregon Farm Bureau. Testifies in support of HB 3505A and HB 3506A. Notes that the higher Idaho weight limits were "grandfathered in" when federal weight limits were adopted. Adds that these higher weights are not be allowed on federal highways.
222	Schellenberg	Remarks that HB 3505A will change the penalties for violations of weight restrictions in certain farm vehicles. Explains that agricultural products of the same size can vary widely in weight. Presents (EXHIBIT A) and explains the ñA3 amendments to HB 3506A.
261	Dennis Baums	WBH Farms, Malheur County. Testifies via teleconferencing in support of HB 3505A. Remarks that vehicles that might carry the additional weight will pay a higher license fee and increase revenue for Malheur County. Adds that the allowance for increased weight will make farmers in Malheur County more competitive.
322	Lou Webstein	Malheur County Commissioner. Testifies via teleconferencing in support of HB 3505A and HB 3506A. Comments that harvest occurs in the fall when weather is not a factor and roads are dry.
333	Steve Johnstone	Manager, Field Motor Carrier Services Section, Oregon Department of Transportation (ODOT). Testifies in support of HB 3505A and HB 3506A.

		Notes that this is the only location within the state where these exceptions would be needed and utilized.
356	Sen. Courtney	Asks if Washington and California have the same weight limits as Oregon and whether this exception would apply to loads from those states.
367	Johnstone	Responds that Malheur County is the only location within the state where this could occur.
378	Sen. Courtney	Asks if other counties would also want this weight exception.
390	Rep. Butler	Responds that none of the counties to the north of Malheur County have any economic activity along the border.
TAPE 66, A		
011	Rep. Butler	Notes that HB 3506A is specific to Malheur County, but HB 3505A provides regulatory relief statewide. Reiterates the lack of agricultural production along the Idaho border in other counties.
031	Paul Skein	Onion Groweris Association. Testifies via teleconferencing in support of HB 3506A and notes that there are only four access routes between Oregon and Idaho in this area.
044	Sen. Courtney	Expresses concern that trucks from other counties would want the identical exceptions.
046	Johnstone	Explains that the higher weights are not allowed on interstate highways, so trucks from other counties could not access this area of the state. Notes that Malheur County officials support these bills.
061	Sen. Starr	Closes the public hearing and opens a work session on HB 3505A.

HB 3505A WORK SESSION

064 Sen. Bryant

MOTION: Moves HB 3505A to the floor with a DO PASS recommendation.

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Miller

Chair Starr

The motion CARRIES.

CHAIR STARR will lead discussion on the floor.

072

Chair Starr

Closes the work session and opens a work session on HB 3506A.

HB 3506A WORK SESSION

075

Sen. Bryant

MOTION: Moves to ADOPT HB 3506-A3 amendments dated 5/20/99.

Chair Starr

Hearing no objections, declares the motion CARRIED.

078

Sen. Bryant

MOTION: Moves HB 3506A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Miller

Chair Starr

The motion CARRIES.

CHAIR STARR will lead discussion on the floor.

083

Sen. Starr

Closes the work session and opens a public hearing on HB 2635.

HB 2635A PUBLIC HEARING

093

Rep. Roger Beyer

House District 28. Testifies in support of HB 2635A which directs ODOT to establish variance permits with statewide validity. Presents (**EXHIBIT B**) and explains the provisions of the ñA5 amendments.

133

Shawn Miller

Oregon Christmas Tree Growers. Presents (**EXHIBIT C**) and testifies in support of HB 2635A. Notes that the bill would allow for a more efficient method for transporting products to market. Explains the differences between the ñA5 and ñA6 amendments.

184

Miller

Comments on the convenience of "one-stop-shopping" for acquiring variance permits.

214	Sen. Bryant	Asks Rep. Beyer if he supports the ñA6 amendments.
216	Rep. Beyer	Responds that he does not support the ñA6 amendments, particularly the proposed fee structure.
225	Sen. Beyer	Asks if these variances are for length or weight.
227	Miller	Responds that the variance permits are for vehicle length. Discusses the permitting process with Sen. Beyer. Emphasizes that this bill only addresses "continuous permits."
254	Sen. Beyer	Asks for examples of trucks requiring variance permits.
255	Rep. Beyer	Responds that dump trucks, nursery growers, or any over-length truck, are examples of trucks requiring variance permits. Explains that this bill only expedites the permitting process.
271	Sen. Beyer	Asks if the permit would allow an over-length truck to drive on any road.
281	Miller	Responds that counties will retain the authority to determine which roads are closed to over-length trucks.
305	John Foster	Co-Chair, Christmas Tree Growerís Association. Testifies in support of HB 2635A.
314	Bill Penhollow	Association of Oregon Counties. Testifies in support of HB 2635A. Presents (EXHIBIT D) and explains the provisions of the ñA6 amendments which consolidate the permitting process and direct ODOT to establish fees.
363	Penhollow	States that HB 2635A would reduce but not eliminate the permitting costs for the counties. Summarizes the conditions for issuing permits outlined in ORS 818.220.
407	Penhollow	Discusses the fees outlined in the ñA6 amendments (page two of the exhibit).

TAPE 65, B

005	Sen. Bryant	Asks what fees are currently being received by the counties and the anticipated reduction in workload with the establishment of "one-stop-shopping" for permits.
011	Penhollow	Responds that the statutes allow the collection of up to \$8 for processing the fees. Discusses the permitting process and the resulting costs and distribution of fees with Sen. Bryant.

036	Sen. Beyer	Asks if routes have to be specified under a continuous permit.
047	Penhollow	Responds that ORS 818.220 sets out the conditions for permitting and that agencies may grant a permit that is valid for single trips, multiple trips, or continuous operations. Adds that the continuous permit would designate specific routes to be utilized.
080	Cynthia Schmidt	Transportation Engineer, Marion County. Testifies in support of HB 2635A. Notes that the largest number of permits issued are annual permits, allowing operation within the entire jurisdiction with restrictions on routes listed in attachments.
098	Sen. Beyer	Asks if the proposed bill would change those restrictions.
101	Schmidt	Responds that her understanding is that the restrictions would remain.
108	Sen. Bryant	Comments that the counties would still restrict access to specific routes.
112	Penhollow	Remarks that the one-stop system would reduce cost to truckers and still protect the travelling public.
130	Roy Burns	Intergovernmental Coordinator, Lane County Public Works. Testifies in support of HB 2635A and the ñA6 amendments and agrees that there should be cost savings.
143	Sen. Bryant	Asks if they have an estimation on the expected reduction in workload.
147	Burns	Responds that it is difficult to estimate specific savings.
155	Sen. Beyer	Asks if the proposed permitting process would allow a county person who is familiar with the roads and specific limitations to review the permit.
174	Penhollow	Responds that the counties would still have to be contacted in the event of changing conditions.
190	Sen. Beyer	Asks if it is technically possible for one person to establish the acceptability of every route in the state.
202	Schmidt	Responds that the analysis of routes would require contact with the specific county.
218	Sen. Bryant	Asks if this analysis can be accomplished for the \$8 fee.

221	Penhollow	Responds that the \$8 fee does not cover those costs and the fee will probably have to be addressed by the legislature in the future.
237	Gregg Dal Ponte	Deputy Director, Motor Carrier Transportation Division, ODOT. Testifies that ODOT is neutral on HB 2635A. Explains that permits are not issued to raise revenues but to ensure public safety. Notes that the discussion in the House focused not on access, but on service levels and how to simplify the permitting process.
286	Dal Ponte	Comments that ODOT has entered into agreements with private sector firms to act as agents for ODOT in the issuance of continuous trip permits.
318	Sen. Beyer	Asks if a single trip permit requires consultation with the counties.
326	Dal Ponte	Responds that 34 counties participate to different extents with ODOT in the issuance of single trip permits.
338	Sen. Beyer	Asks if a determination can be made, using just a set of maps, that an over-sized truck can safely transverse a given set of roads.
343	Dal Ponte	Responds that the premise of the process is sound. Adds that the plan would require an initial data exchange from the counties to ODOT. Emphasizes that the counties would be responsible to update any information that would affect the permitting process.
357	Sen. Beyer	Comments that the counties would need to be responsive and at least annually update the information provided to ODOT.
362	Dal Ponte	Answers that the updates would probably occur more frequently, and that notice of significant changes to infrastructure would need to be forwarded.
407	Sen. Beyer	Asks if ODOT would share the fee with the counties to cover county costs.
412	Dal Ponte	Responds that the statutes allow ODOT to collect a fee up to \$8, and also allows the counties to receive up to \$5 to cover costs. Adds that the intent is that ODOT would act as the issuer of the permit, and the counties would act as agents of ODOT in the distribution of permits.

TAPE 66, B

002	Sen. Beyer	Asks if it is ODOT intent to distribute \$5 to the counties for each permit issued.
012	Dal Ponte	Responds that HB 2635A is a revenue reduction for ODOT.

021	Sen. Beyer	Asks why the counties would be involved when the intent is to establish a "one-stop-shopping" system for issuing permits.
024	Dal Ponte	Answers that the confusion is with the distinction between "issue" and "distribute." Reiterates that ODOT will issue a permit that the counties distribute.
032	Sen. Beyer	Asks how someone from Klamath County would be reimbursed for the issuance of a permit.
037	Dal Ponte	Responds that form of reimbursement is addressed by the ñA6 amendments.
041	Tim Bernesek	Oregon Farm Bureau. Testifies in support of HB 2635A. Comments that the \$8 fee should be shared among jurisdictions participating in permits issuance.
087	Sen. Beyer	Remarks that the one-stop-shopping for permits makes sense but does add complications.
109	Bernesek	Agrees that there are concerns about the costs involved and how the fees are distributed.
124	Chair Starr	Closes the public hearing and opens a public hearing on HB 3455A.

HB 3455A PUBLIC HEARING

124	Chair Starr	Closes the public hearing and opens a public hearing on HB 3461A.
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HB 3461A PUBLIC HEARING

149	Rep. Beyer	Testifies in support of HB 3461A and explains that the bill would authorize permits for vehicles carrying a load of grass seed or mint leaves that is wider than otherwise allowed. Remarks that the materials in the bags "settle" and become wider during transport.
179	Dave Nelson	Oregon Seed Council. Testifies in support of HB 3461A.
183	Schellenberg	Testifies in support of HB 3461A.
201	Chair Starr	Closes the public hearing and opens a work session on HB 3461A.

HB 3461A WORK SESSION

204	Sen. Beyer	MOTION: Moves HB 3461A to the floor with a DO PASS recommendation.
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VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Courtney, Miller

Chair Starr

The motion CARRIES.

SEN. STARR will lead discussion on the floor.

211

Chair Starr

Closes the work session and opens a work session on HB 2635A.

HB 2635A WORK SESSION

216

Sen. Beyer

MOTION: Moves to ADOPT HB 2635A-6 amendments dated 5/26/99.

Chair Starr

Hearing no objections, declares the motion CARRIED.

218

Sen. Beyer

MOTION: Moves HB 2635A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Courtney, Miller

Chair Starr

The motion CARRIES.

SEN. BEYER will lead discussion on the floor.

248

Chair Starr

Closes the work session and adjourns the meeting at 9:45 a.m.

Submitted By, Reviewed By,

Gary Roulier, Megan Palau,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3506A, amendments, staff, 1 p

B ñ HB 2635A, amendments, staff, 2 pp

C ñ HB 2635A, amendments, staff, 2 pp

D ñ HB 2635A, written testimony, Shawn Miller, 2 pp