

SENATE COMMITTEE ON TRANSPORTATION

January 29, 1999 Hearing Room B

1:00 p.m. Tapes 12 - 13

MEMBERS PRESENT: Sen. Marylin Shannon, Chair

Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Gary George

Sen. Lenn Hannon

STAFF PRESENT: Don Scott, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD: SB 352 Public Hearing and Work Session

SB 356 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 12, A		
004	Chair Shannon	Calls the meeting to order at 1:18 p. m. Observes a moment of silence for Dennis Edwards, an Oregon Department of Transportation (ODOT) employee who died in a job-related accident on January 28 and prays for his family.
024	Sen. Dukes	Believes the incident points out there are many structures in the state needing repair and the necessity for the legislature to find the means to fund the work.
033	Chair Shannon	States she does not want to politicize the incident. Opens a public hearing on SB 352.

SB 352 PUBLIC HEARING

039	Don Scott	Committee Administrator, reviews provisions of SB 352.
058	Bob Russell	Director of Public Affairs, Oregon Trucking Association (OTA), states they support SB 352. States there are glitches in the law that are insignificant, except to some of their members, and the bill fixes them.
064	Sen. Hannon	Asks about potential revenue impact to Oregon.
066	Russell	States the impact would be miniscule. The bill relates to titling fees, which are designed to recover costs of providing titling service.
071	Sen. Hannon	Comments on the provision in SB 352 that allows trailers presently titled in California to remain titled there if that state's legislation is passed. Asks what happens to the titling of those trailers if they haul in Oregon.
075	Russell	States that is an issue with the International Registration Plan (IRP), which states that all trucking companies can register their vehicles with their home state, but they can title them wherever they want. Frequently vehicles are titled where the lenders are. California is the only state that requires registration for trailers under the IRP. States the OTA has purchased trailers, registered them for California through the state of Oregon, but have titled them elsewhere. Explains OTA would be in violation of Oregon law if California eliminates their trailer registration and goes to the power unit registration.
094	Sen. Hannon	Clarifies that SB 352 creates uniformity among states. References the safety chain requirement exemption in the bill and requests the definition of booster axle.
098	Russell	Defines booster axle as generally being used in the heavy haul segment of the industry. Discussion continues between Sen. Hannon and Russell about the use of booster axles.
111	Sen. George	Clarifies that Oregon would tax anyone who operated a truck in Oregon regardless of where the vehicle is registered. Requests the terminology for a single-axle tractor that is hooked to a fifth-wheel plate and then hooked to another fifth-wheel plate.
119	Russell	States it is not a jeep.
121	Sen. George	Clarifies it would be impossible for the booster axles to disconnect.
123	Russell	States it would be highly unlikely for that to happen. Explains that booster axles are bolted to a vehicle and are not temporary attachments.
126	Sen. Hannon	Asks if a tow bar with a ramp, such as on a U-Haul vehicle, would be considered a booster axle.
131	Russell	States it would not.

132	Sen. Hannon	Clarifies that individuals would not drive vehicles with unchained hitches. ODOT submits a diagram of booster axles [EXHIBIT A] .
135	Russell	Concurs with Sen. Hannon. States Sen. Hannon is describing a hitch.
140	Vice Chair Yih	Asks about the use of chains with a booster axle.
141	Russell	States that chains have never been used. Explains that when ODOT was reviewing the statutes, they discovered that chains should have been used. SB 352 amends the statute by stating chains are not needed.
147	Vice Chair Yih	Clarifies there is no safety chain requirement.
150	Russell	Reiterates that is true if SB 352 passes. Further discussion between Vice Chair Yih and Russell about safety chain use and requirements.
163	Steve Johnston	Manager, Field Services, Motor Carrier Transportation Division, ODOT, submits testimony in support of SB 352 [EXHIBIT B] . States both the committee administrator and Russell explained the bill very well. States Oregon has licensed, without titles, approximately eighteen thousand trailers under the IRP. States if the exemption is not put into the law, those titles will either have to leave or come to Oregon over a very short period of time, which would be an undue burden on the industry. Pertaining to revenue loss, states these are permanent plated trailers with a \$10 permanent registration fee and no further money will come to Oregon for them, but attrition will occur over time. Explains a booster axle is designed to transfer weight from one vehicle to another. The axles are used during heavy haul. Explains the issue revolving around the use of safety chains came to light when a Motor Carrier enforcement officer noted a vehicle did not have chains. States booster axles are not required to be chained under the Motor Carrier Federal Safety Regulations.
200	Sen. George	References the booster axle diagrams. States a normal configuration would be two major pins on both sides with a connection point to the trailer and two major ramps with a connection to another set of pins. Asks if a booster has air brakes.
207	Johnston	Answers yes.
207	Sen. George	States if the air went out, there would be an instant lock up.
209	Johnston	States that is correct. The vehicle itself would stop but it is not actually carrying any weight. If the vehicle broke loose, the wheels would rise up on the unit and there would be very little pressure. States that a booster axle is defined in most regulations as a device to transfer weight from one vehicle to another.
223	Sen. George	Comments on the use of booster axles to allow carrying large loads and the inspection stations pay close attention to the use of booster axles.
234	Sen. Dukes	Asks if it is possible that Oregon could register a trailer that is not titled in another

		state.
238	Johnston	States under the IRP the trailer has to be titled. States it could happen but it is not likely.
250	Bob McKellar	Oregon Forest Products Transportation Association, states his association supports SB 352.
260	Chair Shannon	Closes the public hearing on SB 352. Opens a work session on SB 352.
<u>Sb 352 work session</u>		
267	Sen. Yih	MOTION: Moves SB 352 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Ferrioli
275	Chair Shannon	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
278	Chair Shannon	Closes the work session on SB 352. Opens a public hearing on SB 356.
<u>SB 356 PUBLIC HEARING</u>		
298	Don Scott	Committee Administrator, reviews provisions of SB 356.
311	Doug Tindall	Maintenance Engineer, ODOT, submits testimony about SB 356 [EXHIBIT C] . Comments on an illumination project in Washington County that involved installing streetlights on both a county road and a state highway, which was the concept for SB 356. The current statutes prohibit doing local improvement districts (LID) on state highways.
335	Chair Shannon	Cites an incident in her district near Aurora involving an intersection for which local residents raised the funds to pay for the gravel. States that the project was done without this law.
346	Tindall	States he does not know how that was done.
350	Chair Shannon	States the citizens assessed themselves and did not make it an LID.
352	Tindall	States that may have been the difference. Washington County requested formal creation of an LID.

357	Chair Shannon	Referencing the incident in her county, asks what would happen if the groups went to ODOT now.
361	Tindall	States ODOT wanted to do the project in Washington County, but the statutes prohibit it.
366	Sen. George	References a dangerous location on Highway 18 and another site in Dundee near the golf course. States both the county and state worked on the projects, and local residents wanted to raise funds. Asks if SB 356 would allow that.
380	Tindall	Believes the bill would facilitate that and allow the formation of an LID. States that the bill removes a potential impediment.
396	Sen. Hannon	References the relating to clause of SB 356. Asks if the ORS cite is the local improvement district statute.
402	Tindall	States he believes so.
403	Sen. Hannon	Asks if the state comes under same purview as cities and counties for LIDs.
407	Tindall	States that Legislative Counsel explained the provision is not necessary for cities, but is particular to counties.
417	Sen. Hannon	Comments on a county highway close to Jacksonville that turns into a state highway. Asks if the road goes into a rural area the county and state can then create an LID to add amenities to the road.
426	Tindall	States he would phrase that differentlyóSB 356 would allow ODOT to participate in the LID and ODOT would rely on the county to make the assessments.
Tape 13, A		
002	Sen. Hannon	States his belief that the creation of local improvement districts is a great disservice perpetrated by Oregonís legislature. States LIDs are discriminatory in who pays for improvements.
017	Tindall	States that was not ODOTís intention when drafting the bill. They wanted to remove impediments to doing projects that citizens wanted.
020	Chair Shannon	Asks Tindall to repeat his statement. After Tindall repeats his statement, asks him if what Sen. Hannon has described could happen.
023	Tindall	States it is possible.
025	Sen. Hannon	States a section in the statutes that is being repealed allows counties to supersede ORS 371.610. Counties may currently supersede state statutes on LIDs. Asks if ODOT is repealing a statute, with good intention, only to find out that they are impacting local government. Asks if the department has communicated with local

		governments.
035	Tindall	States he has communicated with Bill Penhollow from the Association of Oregon Counties.
037	Sen. Hannon	States the department should communicate with engineers, city attorneys, and other representatives of local areas to identify how this bill might impact their cities or counties. Believes there are potential conflicts with the bill.
044	Tindall	Asks Sen. Hannon to clarify what section in the statutes he is referencing.
047	Sen. Hannon	Reiterates the relating to clause and cites line 5, page 1 of the bill.
052	Tindall	Referencing line 6, page 1, states the sentence being deleted stopped ODOT from participating in LIDs. The bill is not repealing the statutes, just the sentence that says the statutes "do no apply to any state highway."
059	Sen. Hannon	References line 23, page 1, which deletes "county" and inserts "public." States that "public road" could mean anything.
061	Tindall	States that is correct and that legislative counsel said the change was needed to be ensure LIDS could be done on state highways as well as county roads.
063	Sen. Hannon	Reiterates that the relating to clause reads "unincorporated areas." Asks if public roads means logging roads and other roads in a county. States he is asking because of the merger of ODOT and the Jackson County road department. Asks if state employees will work on county roads doing local improvement districts.
070	Tindall	Believes that could happen but it is not the intention of the bill. States that with the potential merger in Jackson County, state employees could do work on county roads. Also states that under the current law, if the agencies merged, state employees could do LIDs on a county road.
081	Sen. Dukes	States she understands that LIDs are formed with the consent of the people within a district. References the language in ORS 361.610(3). Asks if it is correct that a county commission could determine a state highway requires improvements and then levy assessments.
097	Tindall	States he thinks that is what Sen. Hannon suggested. States he drafted the concept for the bill and was under the impression it needed to be with the consent of the people involved. States Sen. Dukes has raised an issue to which he does not know the answer. Explains he did not look at the concept from the standpoint of counties forcing someone to do something.
105	Sen. Dukes	Clarifies it would not be necessary to create a new LID, but use an existing one. States that the ODOT Efficiency Committee addressed the issue of aesthetics on highway projects. Uses the Bend bypass as an example. States that aesthetics could add considerably to the cost of a project. Shares Sen. Hannon's concern that the local people who pay the bill should have a say in a project. Further asks why the bill only applies to unincorporated areas.

128	Tindall	States that the provisions for LIDs in a city do not prohibit work on state highways.
130	Chair Shannon	Asks what kind of projects besides lighting might be done with an LID.
132	Tindall	States he had not envisioned high-cost projects being involved, but small projects such as illumination.
147	Vice Chair Yih	Asks why a traffic signal would be paid for at the local level.
150	Tindall	States that ODOT is not soliciting local funds, but the current statute is an impediment at the local level if they did want to contribute funds.
154	Vice Chair Yih	Asks if a local district wanted a traffic signal and was able to pay for it, then ODOT would do the installation.
158	Tindall	States not in the case of a traffic signal. Explains he is referring to an illumination project for which ODOT did not have the funds and an LID was formed to enable the project.
169	Sen. George	Asks if an individual or corporation, who wants this type of improvement and has the funds, can contact ODOT to complete the work. Comments on a project for which the tribe paid in Grande Ronde.
175	Tindall	Answers that the project is not part of an LID. Referencing the situation mentioned by Chair Shannon, states that an LID was not formed. Further states that corporations will fund traffic signals. References Fred Meyer in Lincoln City.
184	Sen. Dukes	Expresses concern that when a community wants to enhance projects, ODOT is unable to afford them and tells the community the project would have a better chance if the city or county would contribute. Would like projects done based on safety and capacity need and not on the ability of the community to contribute. States that she does not want communities to need to form LIDs to afford projects.
202	Chair Shannon	States there will not be a work session on SB 356 today.
205	Sen. Hannon	Recommends a subcommittee to work with ODOT, cities, and counties to look at issues raised by SB 356.
213	Chair Shannon	Agrees and asks Sen. Hannon to chair the group. Requests Sen. Dukes and Sen. George to also participate. Requests the group submit a report of their findings.
230	Kathy Thole	Grand Ronde, states her opposition to SB 356. Believes the bill will affect the property she owns along Highway 18. Shares a map with the committee.
275	Thole	States her opposition to funding for project #9278 in the Statewide Transportation Improvement Program (STIP).

313	Thole	Requests the committee to amend Section 4, SB 356, if they pass the bill, by including reference to the federal Department of Interior. States that local citizens to not want to pay tax assessments that the tribe does not need to pay.
349	Chair Shannon	Asks Tindall if ODOT can do the project without SB 356.
354	Tindall	States that ODOT can do construction projects and an LID is the mechanism by which adjoining landowners participate in an improvement. If the adjoining landowners do not participate and there is no LID, the project can still be done.
361	Chair Shannon	Clarifies ODOT can still do the project without an LID and not extract money from landowners.
363	Tindall	States agreement.
368	Sen. George	States he did not know about this project. Asks if the project will be an overpass.
374	Thole	Explains that the project in the 1998-2001 STIP is a realignment at Fort Hill with a left turn lane. States there are no funds for an overpass. States her objection to a road-widening project in the 2000-2003 STIP.
417	Sen. George	States he agrees with Thole. States the overpass project appears to be dangerous.
425	Thole	States that the project is imminent.
TAPE 12, B		
002	Chair Shannon	States she is concerned about the project, but does not believe it is pertinent to SB 356.
004	Thole	Reiterates her concern that if SB 356 is passed adjoining landowners will not be able to afford the assessments.
007	Sen. Hannon	Expresses concern about the same issue. As an example, if a city builds a belt road around a city, under an LID, property owners are assessed the actual construction costs. States those costs could be prohibitive to adjoining landowners. Wants the subcommittee to come up with language that would guaranty in statute a bona fide release for landowners. States he does not believe it was ODOT's intention to force landowners to pay for projects, but that the bill is for small projects. States the bill is a bigger umbrella than originally intended. Asks Thole to work with the subcommittee.
020	Chair Shannon	Expresses agreement with Sen. Hannon. States the committee will not continue with SB 356 until they receive the subcommittee's report.
022	Sen. George	Comments on safety issues relating to a project in Depot Bay. Believes that safety should be a part of any roadway project.

035	Thole	References a letter from the City of Willamina and statements from citizens regarding the fort Hill Realignment Project No. 9278. The information is submitted for the record [EXHIBIT D] .
040	Chair Shannon	Comments on a conversation she had with a citizen from eastern Oregon about access. Adjourns the meeting at 3:16 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Don Scott,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 352, diagram of a booster axle, ODOT staff, 1 p.

B ñ SB 352, written testimony, Steve Johnston, 2 pp.

C ñ SB 356, written testimony, Doug Tindall, 1 p.

D ñ SB 356, written testimony, Kathy Thole, 6 pp.