

**SENATE COMMITTEE ON TRANSPORTATION**

February 8, 1999 Hearing Room C

3:05 p.m. Tapes 21 - 22

**MEMBERS PRESENT: Sen. Marylin Shannon, Chair**

**Sen. Mae Yih, Vice-Chair**

**Sen. Susan Castillo**

**Sen. Joan Dukes**

**Sen. Gary George**

**Sen. Lenn Hannon**

**MEMBERS EXCUSED: Sen. Ted Ferrioli**

**STAFF PRESENT: Don Scott, Administrator**

**Valerie Luhr, Administrative Support**

**MEASURE/ISSUES HEARD: SB 355 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
<b>TAPE 21, A</b>		
		Tape 20 is not used.
004	Chair Shannon	Opens the meeting as an informational meeting at 3:10 p.m. because there is not a quorum of the committee.
<b><u>SB 355 PUBLIC HEARING</u></b>		
006	Don Scott	Committee Administrator. Reviews provisions of SB 355.

030	Claudia Howells	Manager, Rail Division, Oregon Department of Transportation (ODOT). Submits and presents testimony in support of SB 355 <b>[EXHIBIT A]</b> . Suggests the committee refer to the list of railroad grade crossings during her testimony. States ODOT's request to increase the transfer of funds into the Grade Crossing Protection Account (GCPA) has been approved by the Oregon Transportation Commission (OTC). Comments on the purpose of the GCPA.
085	Howells	Comments on the number of accidents and fatalities at public grade crossings in 1972. States the legislature determined that \$600,000 would be annually transferred into the account. Comments on the decrease of funds to the account and the decreased amount available for projects.
115	Howells	States most of the 1710 passively signed crossings are on city streets and county roads, most are on short lines, and most are seeing increases in both train and vehicular traffic.
120	Chair Shannon	States she has been informed the cost of materials has increased very little, if any, in the last five to seven years. Comments on Howells' testimony that the cost of gates and lights has not increased. States inflation is in wages, not in what is being purchased.
128	Howells	States the cities, counties, and ODOT's compliance with the Americans with Disabilities Act for certain sidewalk requirements has caused cost increases. In summary, states it would cost \$340 million to install automatic warning devices at the remaining passively signed crossings. Thanks the committee for their consideration of SB 355. Reviews the graphs in her testimony.
170	Chair Shannon	Clarifies the discussion is not about crossing between Eugene and Portland, but others around the state that have not been upgraded.
174	Howells	Concurs.
175	Sen. Castillo	Requests the difference between "actively signed" and "passively signed" crossings.
178	Howells	Displays a poster and explains the difference between the crossings.
188	Vice Chair Yih	Chairs the committee in Chair Shannon's absence. States her understanding of actively and passively signed crossings.
195	Howells	States all crossings have advanced warning signs, whether actively or passively signed. Explains the equipment at both kinds of crossings.
203	Sen. George	Asks if the statistics include light rail accidents.
209	Howells	States the accidents are included if the light rail crossing is under ODOT's jurisdiction. Discusses ODOT's jurisdiction.

222	Sen. George	Comments on rail crossings in McMinnville that are being closed. States he has been informed the crossing could have been actively signed for around \$500,000. Believes the cost of rerouting traffic to accommodate a grade crossing closure would easily exceed that amount. Asks if cities are being forced toward closure.
240	Howells	States ODOT is directed to close crossings whenever possible by law.
247	Sen. George	Asks if the mayor and city council were agreeable.
250	Howells	States the project in McMinnville goes back twenty years. States the mayors and city councils have changed the decision making over the years.
267	Sen. George	States Lafayette Avenue in McMinnville has been used as the vehicle to manipulate city planning. States he has been told that crossing guards with drop-down posts could be installed for about \$100,000. States that every crossing could be guarded in six and a half years with \$2 million from the federal government and \$600,000 approved by the legislature.
293	Howells	Requests Sen. George to clarify his question and the numbers he cited.
294	Sen. George	Reiterates his comments. Believes the work could be done without closing city streets.
309	Howells	States the issue of crossing closures is absolutely contentious.
317	Sen. George	Asks if the federal government gives the option to put up crossing guards.
319	Howells	States the federal government looks at ODOT's projects and has some say about ODOT's spending. McMinnville is a good example. States an average low-end crossing costs \$250,000 if all requirements are met that are required by law. Would like to give Sen. George statistics about McMinnville. States the Rail Division was brought into the Lafayette situation six months ago.
353	Sen. Hannon	Asks if the increased state expenditure of \$600,000 will bring in \$4 million from the federal government or if the funding work is done on a match basis.
362	Howells	States she does not know if ODOT would receive \$4 million because the department does not have that much available. Explains ODOT is asking for the increase in the GCPA to have funding available that is not matched by federal funding.
380	Sen. Hannon	References the railroad's signing of a stipulated agreement because of a lawsuit mentioned in Howells's testimony. Asks how the state went from \$300,000 down to \$200,000 and back up to \$600,000. Asks if the railroad crossing funds are dedicated.

400	Howells	Explains the 1991 change in statute required the GCPA to pay half the cost of the administration of the crossing program. Explains how the other portion of the GCPA funds projects.
<b>TAPE 22, A</b>		
007	Sen. Hannon	States the allocated \$100,000 was from the days when there were four major railroads in Oregon. Asks how much is currently allocated to the independent railroads.
011	Howells	Explains ODOT disburses funds to the railroads based on the number of signalized crossings. Explains the number of signal units in each crossing. States there is not a lot of money available per crossing.
020	Sen. George	States the trucking industry picks up about 37.5 percent of the highway system costs. Asks what percentage of the incurred costs is paid by railroads.
027	Howells	States neither the railroads nor the local government pick up the costs on federal projects. ODOT pays for what would be the local road authority's responsibility. Railroads pay the cost of signal maintenance and upgrades. The federal courts have upheld that grade crossing protection is for the benefit of the motoring public, not the railroads.
047	Sen. George	States another aspect is a continuing major subsidy for a mode of transportation that no other mode gets. States road dollars are being diverted. Would like an account of the railroads' responsibility.
065	Howells	States decisions have been made at the federal level. Oregon has been successful in reducing accidents because whether it is a subsidy, the department's mission is to save lives.
088	Vice Chair Yih	Asks how much the railroads provide for maintenance at each grade crossing.
090	Howells	States they average about \$4500 a year for maintenance. States the railroads are responsible for crossing upgrades for Y2K compliance.
096	Vice Chair Yih	Clarifies the crossings are computerized.
101	Howells	States some crossings are still run by dumb circuitry.
104	Vice Chair Yih	Asks about the discretionary programs to be paid for by the \$300,000 increase.
109	Howells	Explains the projects selected for federal funds are prioritized. States there are crossings where the nature of the crossings rapidly changes. ODOT currently does not have the capability to address serious safety situations without waiting

		for a crossing to come into the top twenty on the priority list.
127	Vice Chair Yih	States she understood Howells to say the \$2 million in federal funds are used to address the top priority crossings. Repeats her question about the discretionary programs.
132	Howells	Comments on a crossing fatality in Klamath Falls in which three people were killed. The crossing has low vehicular traffic. Klamath County has chosen to pay for signals. ODOT would like to help pay for the project, but according to federal criteria, the project would not come up to the top twenty for many years. States ODOT has reason to believe the amount of available federal money will be increasing.
149	Vice Chair Yih	Asks where the \$300 thousand comes from.
150	Howells	States from driver license and vehicle registration fees.
153	Vice Chair Yih	Clarifies the funding is not against any constitutional provisions.
166	Everett Cutter	Manager, Oregon Railroad Association, and representing the Burlington Northern Santa Fe and Union Pacific railroads. Submits and presents testimony <b>[EXHIBIT B]</b> in support of SB 355. States the GCPA is used primarily to install or upgrade automatic warning devices at public crossings.
200	Cutter	Comments on an Interstate Commerce Commission (ICC) report about motor vehicle-train crashes at highway-rail intersections. Reviews conclusions and recommendations of the report. Comments on federal funding in response to a 1972 Report to Congress from the U. S. Department of Transportation.
250	Cutter	Reviews the results of Oregon's investment in grade crossing upgrades since the early 1970s. Comments on the railroads' benefit from public safety improvements and their cost commitment as crossing signals are installed or upgraded.
300	Cutter	Urges the committee's support of SB 355.
308	Vice Chair Yih	Asks how many crossings are in the computerized inventory.
313	Cutter	States it was the Public Utility Commission's inventory. The inventory existed when the federal law passed, which required a state agency to administer or receive funds and to have an inventory system in place.
335	Vice Chair Yih	Asks Cutter if he knows how many railroad crossings are in Oregon.
338	Cutter	States there are approximately 2700 public crossings.

341	Vice Chair Yih	Asks how many crossing are protected and unprotected.
344	Cutter	States 800 are fully signalized, and of those not signalized, many are low-risk. States an accident predictability formula is used to determine which crossings get attention.
367	Vice Chair Yih	Clarifies 15 percent of the crossings still need protection.
370	Cutter	States approximately two-thirds of public crossings do not have automatic signals, but they are relatively low-risk.
377	Vice Chair Yih	Asks why more crossings need to be done if the majority have been done.
382	Cutter	States Oregon has a growing population and there is more use of marginal crossings due to increased vehicle miles traveled.
393	Robert Melbo	President, Oregon Short Line Railroad Association, and President of the Willamette and Pacific, and the Portland and Western railroads. States his association supports SB 355 because the bill is in the best interest of public safety. States both railroads have seen an increase in grade crossing accidents.
<b>TAPE 21, B</b>		
006	Van Cahill	Engineer, Amtrak. States his run is between Portland and Klamath Falls and he sees dangerous incidents at unprotected crossings on a daily basis. States his support of SB 355. Urges the committee's support of the bill.
022	Sen. Castillo	Requests clarification of the number of crossings that need upgrading. References the 1710 crossings in Howells' testimony. Asks Cutter if the railroads desire upgrades at those crossings.
030	Cutter	State there always is a need to upgrade crossing. More freight is put on rail and there are more trains. There are crossings on the verge of needing automatic signals.
041	Vice Chair Yih	Asks who is responsible for upgrading the crossings once they are installed.
043	Cutter	Explains there are installations of devices at crossings and an upgrade would consist of adding additional hardware. It is ODOT's decision to order the type and degree of signalizing at any particular public grade crossing.
054	Vice Chair Yih	States Howells indicated once the crossing is installed, the railroads keep up the maintenance.

061	Howells	States the railroads pay for upgrading that is part of normal maintenance, such as upgrading circuitry. Railroads own the gates and lights and carry the liability. Explains the state would need to carry the liability if they owned the gates and lights.
081	Scott	Comments on the tentatively scheduled meeting with the Oregon Transportation Commission on Wednesday, February 17.
088	Vice Chair Yih	Comments on the agenda for Wednesday, February 10. Declares the meeting adjourned at 4:10 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Don Scott,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ SB 355, written testimony, Claudia Howells, 42 pp.**

**B ñ SB 355, written testimony, Everett Cutter, 3 pp.**