

SENATE COMMITTEE ON TRANSPORTATION

March 1, 1999 Hearing Room C

3:05 p.m. Tapes 32 - 33

MEMBERS PRESENT: Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Gary George

MEMBERS EXCUSED: Sen. Lenn Hannon

Sen. Marylin Shannon

STAFF PRESENT: Don Scott, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD: Introduction of Committee Measure

SB 356 Public Hearing

SB 483 Public Hearing

SB 574 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 32, A		
003	Vice Chair Yih	Opens the meeting at 3:21 p.m. States Chair Shannon is attending to legislative business. States the introduction of committee measure will wait until there is a quorum. Opens a public hearing on SB 356.
016	Don Scott	States a quorum is now available for the introduction of committee measures.

017	Vice Chair Yih	Opens a work session for introduction of committee measures.
<u>INTRODUCTION OF COMMITTEE MEASURE</u>		
021	Sen. Dukes	MOTION: Moves LC 3933 BE INTRODUCED as a committee bill.
		VOTE: 4-0 EXCUSED: 3 - Ferrioli, Hannon, Shannon
Vice Chair Yih		Hearing no objection, declares the motion CARRIED. LC 3933 is introduced as SB 995.
027	Vice Chair Yih	Closes the work session. Opens public hearing on SB 356.
<u>SB 356 PUBLIC HEARING</u>		
029	Scott	Reviews provisions of SB 356 and of the SB 356-1 amendments.
050	Victor Dodier	Oregon Department of Transportation (ODOT). States at the first meeting on the bill, the question arose whether a property owner could be compelled to participate in a local improvement district. The SB 356-1 amendments require all people who would be assessed as part of an LID to agree with the LID. States the amendment should meet Sen. Hannonís concerns.
066	Sen. Castillo	Asks if the amendments address the concerns of Sen. Georgeís constituent.
074	Kathy Thole	Grand Ronde. Submits and reviews testimony in opposition to SB 356 and the proposed amendments [EXHIBIT C]. Asks whether she should read all her testimony
090	Vice Chair Yih	Requests the witness to tell the committee whatever she feels is necessary.
092	Thole	Comment on changes to ORS 371.610 and ORS 371.640. Comments on the Corridor Refinement Plan for highways 18 and 22. Believes the regional solving plan is a fiasco.
123	Sen. Castillo	Expresses her confusion with Tholeís comments. States she believes the language in the SB 356-1 amendments addresses Tholeís concerns.
127	Thole	States she is not clear about the bill Reads language in the amendment. States she does not know if the language pertains to sewers, sidewalks, bicycle paths, or frontage roads. Believes the bill is fatally flawed. Believes the bill violates Sections 20 and 21 of the Oregon Constitution.
170	Thole	Comments on the provisions of ORS 190.110. Comments on provisions of the "Preemption Doctrine" in the <i>Indian Tribes as Sovereign Governments</i> .
		Sen. Ferrioli arrives at 3:37 p.m.
226	Sen. Dukes	States the statute being amended is under the section named "Road Districts and

		Road Assessment Plans" and it relates to agreements between counties and the state. Reviews provisions in the statute relating to LIDs.
241	Thole	Reviews provisions of SB 356, Section 1. States her interpretation of ORS 361.640. Believes ORS 190.110 will allow for co-jurisdiction with tribal governments. Holds up a map of Highway 18 and expresses concern about a project on the highway.
321	Sen. Castillo	Believes the SB 356-1 amendments address Thole's concerns. Reviews language in the amendment.
330	Thole	States she does not believe the amendment addresses her concerns. Asks the committee if they can justify SB 356. States she does not believe the bill allows ODOT to take part in LIDs, only counties.
360	Vice Chair Yih	Asks Dodier to respond to Thole's testimony.
366	Victor Dodier	States ODOT's original intent with SB 356 was to allow ODOT to participate in an LID that was already formed. States ODOT is not proposing to create LIDs. States the amendments would allow ODOT to pool its money with money from adjacent property owners. The amendments further strengthen the hand of adjacent property owners by requiring a consensus.
402	Sen. Dukes	Asks Dodier if he testified that local people have said they would like to be able to form LIDs.
408	Dodier	States Doug Tindall testified. States he is aware of a group who wanted to form an LID, but could not do it with ODOT's participation.
417	Sen. Dukes	States she believes the issues are part of regional decision making. States this an opportunity to work hand in hand with local communities to enhance state highways, but only if 100 percent of the people who would be taxed agreed to do it. States she believes it is a good bill.
TAPE 33, A		
006	Vice Chair Yih	Closes the public hearing on SB 356. Opens public hearing on SB 483.
SB 483 PUBLIC HEARING		
013	Sen. Eileen Qutub	Senate District 4. Testifies in support of SB 483. States the goal of the bill is to obtain funds for Oregon from a variety of federal and private sources to develop a "smart community information system" that can stimulate economic development and improve quality of life in rural, urban and suburban communities at a low cost to taxpayers. Reviews provisions of the information system, which will include a smart jitney service. Reviews provisions of the public/private partnership relating to the Oregon Office of Energy. States the smart jitney dispatching subsystem would be the anchor application for the smart community system.
063	Sen. Qutub	Defines smart jitneys. Comments on provisions for authorized smart jitney drivers. Introduces the SB 483-1 amendments [EXHIBIT D]. At the request of Vice Chair Yih, reviews provisions of the amendments.
111	Sen. George	States the system might enhance an existing delivery vehicle such as Tri-Met or

		Cherriots because there may people who could now coordinate with an existing system.
120	Sen. Qutub	States her agreement with Sen. George. States if the bill passes and a pilot project is started in the west side, it would help get people to the light rail system or to the existing public transit system. Continues reviewing the provisions of the proposed amendments.
155	Vice Chair Yih	Asks if the program would become self-sufficient after five years.
160	Sen. Qutub	States she does not know if it would be self-sufficient, but the state's portion of funding would be leveraged against private sector and federal funding. Pilot programs would be implemented in the five-year period.
168	Sen. George	States funding for senior and disabled transportation is vaporizing. Comments on a school district inquiry as to whether they could participate in this type of program.
180	Sen. Qutub	States she believes it would be possible for a school district to participate and would not want to prohibit it from happening. The purpose behind the bill is to use existing vehicles and put people in them. States she sees this as an opportunity for seniors and disabled persons and to use vehicles when they are not normally used.
195	Sen. George	States a dispatcher will put out the need for pick up and delivery, and whoever responds picks up the customer.
199	Sen. Qutub	States her understanding of how the smart jitney system will work. Suggests Robert Behnke can respond to the more technical questions.
209	Vice Chair Yih	Asks if all users will need a computer system to connect with the providers.
211	Sen. Qutub	States users could use their telephone to obtain a ride. Those providing rides would need a palm-held computer.
219	Vice Chair Yih	Asks if the initial investment will be expensive for the providers.
221	Sen. Qutub	States the private sector currently has the technology to enable the system to happen. Believes the private sector will provide the palm-held computers at a reduced rate.
245	Robert Behnke	Beaverton, Oregon. Submits and presents testimony in support of SB 483 [EXHIBIT E] . Comments on Oregon's losing battle against traffic congestion. States the public transit industry's failure to adapt to the living patterns that dominate metropolitan areas is one of the reasons for losing the battle.
		Sen. Ferrioli leaves at 4:05 p.m.
295	Behnke	Comments on a 1970s project in Santa Clara County, California. The county used computer dispatched small mini-buses to provide door-to-door services. Comments on a project in Friedrichshafen, Germany.
355	Behnke	Discusses the palm-held computer system and passes one around to the committee. States the computer would take the place of an expensive dispatching system.

390	Behnke	Discusses how a smart community system would work. Traffic delays could be alleviated without building more freeway lanes or adding more buses. States the program is an attempt to use new technologies to solve long-standing problems. Hopes the program will be a moneymaker for the state of Oregon.
TAPE 32, B		
019	Sen. Castillo	Expresses concern about security measures. Asks how a customer would know the provider is a safe person.
027	Behnke	States every driver would need to be registered and bonded. The computer would perform security checks for both drivers and riders.
037	Sen. Castillo	Asks if transit and car drivers go through security checks. Asks who would be held liable and responsible in certain situations.
047	Behnke	States a driver's insurance policy would need a rider. States a battle was fought over insurance riders in the 1970s for car and van pools in California. States no one in Oregon will be allowed to provide rides without proper liability coverage.
065	Vice Chair Yih	Asks if background checks will be done for security reasons.
069	Behnke	States he would require them. States the Office of Energy will make the rules for eligibility requirements.
075	Sen. George	Asks if the communications would occur through a cell provider.
083	Behnke	States Portland is doing short-term rental or shared car ownership type programs. States market research shows people will use door-to-door service with guaranteed seating.
092	Sen. George	States people do not use public transit because it does not go where and when people want.
102	Behnke	Expresses agreement with Sen. George. Comments on a program in Finland. States 60 percent of adults in Finland have cellular phones. States the cellular providers could provide the service for the smart community systems. States Oregon State University has a wireless internet system on campus.
115	Sen. Castillo	Asks how many people are available in Oregon to provide the service.
118	Behnke	States, from a technology standpoint, hundreds of companies, such as Intel and Techtronix. States there many companies to develop software. Believes cities all over Oregon would benefit.
134	Sen. Castillo	References Section 6(2) of the bill. States ORS 279.005 to 279.111 deal with public contracting. Asks why the project is being exempted.
147	Behnke	States Michael Grainey could respond.
152	Mike Grainey	Assistant Director, Office of Energy. States the impact of Section 6(2) makes it easier for the Office of Energy to do sole-source contracts. States the provision is in the bill because the technology is new and there are limited providers. The

		office could act quickly on a pilot basis.
164	Sen. Castillo	Asks if the Office of Energy knows with whom they will contract.
165	Grainey	States not necessarily.
167	Vice Chair Yih	Asks if the office is exempt of personal services under current law.
168	Grainey	States the agency follows the public contracting laws unless there are specific exemptions.
179	Scott Lazenby	City Manager, City of Sandy. States Sandy took advantage of a provision in state law, which allowed them to withdraw from the Tri-Met service district. Comments on the transit service Sandy will begin providing on January 1, 2000. States Sandy's mayor and city council are very interested the smart jitney and advanced community information system program approach to solving their transportation needs. States Sandy is willing to be the "guinea pig" for the project. Notes Sen. Metsger and Rep. Schrader are co-sponsors. Urges the committee's support of SB 483.
217	Vice Chair Yih	Asks how far Sandy is from Portland.
218	Lazenby	States Sandy is about 13 miles from Gresham and is outside Metro. States they have 15,000 population within five miles.
223	Vice Chair	Asks if most of the population works in Portland.
224	Lazenby	States about 60 percent of the population works in Portland, and an equal number commute into Sandy for work.
228	Vice Chair Yih	States the committee is glad Sandy has offered to be the "guinea pig."
238	Rollie Wisbrock	Oregon State Treasury. From the audience, states the agency's issues have been addressed in the SB 483-1 amendments, and they supports the amendments. States lines 10 through 24 cover the agency's issues.
252	Mel Zucker	Portland, Oregon. Urges the committee's support of SB 483. Comments on transit's decline in the share of work trips from 1980 to 1995. Comments on transit's decline in all-person trips for the same period. States metropolitan areas outside of the United States have increased public transit usage.
300	Zucker	States public transit must provide fast door-to-door services, few or no transfers, and service to places where not a lot of people are going at the same time. Smart jitneys provide these services. Describes the "slug system" in Washington, D. C. States in over 20 years, there never has been a security problem with the "slug system."
340	Vice Chair Yih	Closes the public hearing on SB 483. Opens public hearing on SB 574.
<u>SB 574 PUBLIC HEARING</u>		
348	Scott	Reviews provisions of SB 574. States a similar bill has been introduced in the House, HB 2360.

401	Vice Chair Yih	Asks how many inches from the ground is acceptable for bumpers.
404	Scott	States he understands the ideal is 20 to 22 inches and there are many variations from the manufacturers. States Oregon law currently provides for a 30-inch height for a truck front bumper. Suggests Sen. Limis staff testify first.
TAPE 33, B		
007	Mark Bigger	Corvallis, Oregon, and staff for Sen. John Lim. Testifies in support of SB 574. States the provisions in the bill are a basic public safety issue. States Sen. Lim is in favor of the amendment to change to the bumper height to 29 inches instead of three inches from the wheel.
033	Vice Chair Yih	Asks Bigger if he has an amendment to the bill.
034	Bigger	States he does not.
035	Scott	Reviews provisions of the proposed amendment. States the amendment was not distributed.
042	Vice Chair Yih	States a formal amendment can be prepared for the committee's consideration at a work session.
051	Alan Hageman	Sergeant, Patrol Services Division, Oregon State Police. Submits and presents testimony on SB 574 [EXHIBIT F]. States he is not taking a specific position on the bill and wants to comment on enforcement concerns. States the amendment addresses the three-inch variance. Expresses concern that someone could circumvent the law by adjusting bumper height and still remain in compliance.
069	Don Scott	Clarifies adjusting the bumper height means jacking up a vehicle and lowering the bumper height to remain in compliance.
073	Hageman	States Scott's description is correct.
075	Vice Chair Yih	Asks for clarification of an acceptable bumper height from the ground.
078	Hageman	States 29 inches is fairly acceptable among other states. States his testimony is aimed at enforcement issues. Reiterates his concerns about ability to circumvent the law.
092	Sen. Castillo	Asks Hageman if he is concerned the integrity of the bumper would be affected.
097	Hageman	States Sen. Castillo is correct. Expresses concern that a vehicle's center of gravity would be affected.
106	Sen. Castillo	States she thinks the goal is keep the bumper low so if there is a rear end collision the bumper will not cause injuries.
114	Hageman	States the issue of raising the center of gravity is his own concern. States it would not be a concern if a bumper was lowered and its integrity was not affected.
130	Vice Chair Yih	Adjourns the meeting at 4:51 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Megan Palau,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ LC 3933, staff, 2 pp.

B ñ SB 356-1 amendments, staff, 1 p.

C ñ SB 356, written testimony, Kathy Thole, 2 pp.

D ñ SB 483-1 amendments, Sen. Eileen Qutub, 2 pp.

E ñ SB 483, written information, Robert Behnke, 4 pp.

F ñ SB 574, written testimony, Alan Hageman, 4 pp.