

SENATE COMMITTEE ON TRANSPORTATION

March 3, 1999 Hearing Room C

3:05 p.m. Tapes 34 - 35

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: Introduction of Committee Measures

SB 718 Public Hearing and Work Session

SB 583 Public Hearing and 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 34, A		
004	Chair Shannon	Calls the meeting to order at 3:13 p.m. Opens a public hearing on SB 718.
<u>Sb 718 PUBLIC HEARING</u>		
006	Don Scott	Committee Administrator. Reviews provisions and fiscal impacts of SB 718.
020	Al Shannon	Oregon School Boards Association. States the bill passed in the Senate during the 1997 Session, but failed in the House; and it is being brought forward this session

		for the committee's consideration. Introduces John Fairchild and Mac Pennington.
028	John Fairchild	Transportation Director, Salem Keizer School District. Submits and presents testimony in support of SB 718 [EXHIBIT A] . Comments on the school district's yellow bus fleet and service. Comments on the school district's fuel consumption and costs. States the district believes the passage of SB 718 would improve school bus operation effectiveness and reduce costs. Urges the committee's support of SB 718.
062	Mac Pennington	Director of Transportation, Lake Oswego Public Schools. Submits and presents testimony in support of SB 718 [exhibit B] . States it costs the school district approximately \$8,000 to comply with the Oregon Department of Transportation's (ODOT) requirements. Comments on the City of Lake Oswego's assumption the school district was exempt from the use fuel tax. States the school district is converting their fleet to diesel and comments on the tax costs involved. Comments on savings for the school district if SB 718 passes. Urges the committee's support of SB 718.
106	Doug Tindall	Maintenance Engineer, ODOT. States ODOT pays use fuel taxes to themselves and that is inefficient. States ODOT would like state highway vehicles included in SB 718. States ODOT has no problems with SB 718.
116	Sen. Hannon	Asks Tindall if they want to exempt ODOT, why not exempt cities, counties, and special districts.
119	Tindall	States currently county road equipment and cities are exempt. Special districts are not exempt.
123	Sen. Hannon	Asks if ODOT would object to exempting special districts.
124	Tindall	States the exemption of special districts is a policy question for the legislature. States ODOT would want to look at the fiscal statement.
135	Bob McKellar	Oregon Forest Products Transportation Association. Comments in support of SB 718. States the bill is reasonable under current law. Introduces the <i>Tax Expenditure Report 1999-2001</i> [EXHIBIT C] . Believes the report should be called the "Tax Exemption Report" because it documents tax exemptions in the state. States he is interested in gas, use fuel, and weight mile taxes. References the Governor's message, the table of contents, the definition of "tax expenditure," and the report summary. States there are \$15.7 million in exemptions for gas and use fuel and weight-mile taxes. States \$15.7 million in exemptions are picked up by and paid for by the trucking industry and automobile owners on a pro rata basis, which is current policy. States he supports SB 718 because it fits into current policy. States he would like to have the policy reexamined. Encourages the committee to read the report.
202	Chair Shannon	States she will talk to the witness.
205	Sen. Dukes	References the exemption for tax paid on motor vehicle fuels when used for the removal of forest products on a public road.
209	McKellar	States he is aware of the exemption and does not take back a word he said.
212	Chair Shannon	Closes public hearing on SB 718. Opens work session on SB 718.

<u>SB 718 WORK SESSION</u>		
215	Chair Shannon	States she is open to amendments in the House that address ODOT's concerns. States she has heard from fire districts.
220	Chair Shannon	MOTION: Moves SB 718 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Shannon	The motion CARRIES. SEN. YIH will lead discussion on the floor.
235	Chair Shannon	Closes work session on SB 718. Opens and closes a public hearing on SB 583. Opens work session for introduction of committee measure.
<u>COMMITTEE MEASURE INTRODUCTION</u>		
245	Sen. Dukes	Introduces and reviews the provisions of LC 4081 [EXHIBIT D] . States the bill will place a higher priority on safety in the statutes.
268	Chair Shannon	States she also has a bill relating to safety.
	Chair Shannon	MOTION: Moves LC 4081 BE INTRODUCED as a committee bill.
		VOTE: 7-0
	Chair Shannon	Hearing no objection, declares the motion CARRIED. LC 4081 is introduced as SB 1251.
272	Sen. Dukes	States perhaps LC 4081 Chair Shannon's bill could be merged.
274	Chair Shannon	Closes work session to introduce committee measures. Opens public hearing on SB 583.
<u>Sb 583 public hearing</u>		
278	Chair Shannon	States she would like the committee to act on the bill by 4:20 p.m. Requests the witnesses limit their testimony.
289	Don Scott	Committee Administrator. Reviews provisions of SB 583.
308	Bob Avery	Junction City, Oregon, and aide to Representative Jim Welsh. Submits testimony in support of SB 583 [EXHIBIT E] . States motorcyclists are concerned with safety, but their overwhelming theme is "freedom." States the system of law and justice is taking freedoms away from one group of people. States little money is spent on safety for motorcyclists. Comments on Team Oregon and ABATE's Motorcycle Awareness program. Urges the committee's support of SB 583.

389	Sen. George	References the charts of states with voluntary and mandatory helmet laws in Avery's testimony. States there is really no difference in the statistics, but the fatality rate in the mandatory states is slightly higher.
395	Avery	States he was trying to make that point in his written testimony.
400	Vice Chair Yih	Asks Avery if he believes insurance premiums will increase if the bill passes.
403	Avery	States he does not believe insurance premiums will increase. States there are virtually no differences between states with voluntary and mandatory helmet laws.
408	Vice Chair Yih	Asks Avery if he believes that will be the response of the insurance companies.
411	Avery	States he has not talked with insurance companies this session. States insurance companies did not indicate there would be significant changes in discussions during the last legislative session. States when the current bill passed, there were no reductions in insurance costs.
423	Chair Shannon	Requests a panel of witnesses to come forward.
TAPE 35, A		
014	Brian Stovall	Executive Director, BikePAC of Oregon. Submits testimony [EXHIBIT F] . Believes it is incumbent upon the legislature to modify the helmet law, because when enacted as a referendum it was an unfair way to treat a minority of people. States the law has not worked. States there are a lot of reasons to change the law, not to keep it.
025	Teresa Hepker	BikePAC of Oregon. Submits and presents testimony [EXHIBIT G] . States she and Melinda McCrossen participated in the Blue Ribbon panel with the Oregon Health Policy Institute (OHPI). Comments on the panel's agenda. States she has been involved in the issue of helmet laws since 1975. States the panel was the first time her concerns as a motorcyclist were heard and given consideration. States motorcycle rider education has been established and has blossomed, and safe riding has grown. Does not believe the use of helmets has caused the decrease in accidents and deaths. Urges the committee's support of SB 583.
092	Chair Shannon	Explains witness protocol and asks Rep. Jane Lokan to testify.
099	Rep. Jane Lokan	House District 25 and chief sponsor of SB 583. Submits and presents testimony in support of SB 583 [EXHIBIT H] . Comments on BikePAC's request to have their license fees doubled with the fund going to Team Oregon. Reviews current law for motorcyclists. States many insurance companies offer reduced insurance premiums with proof of completion of the Team Oregon program. Urges the committee's support of SB 583. Comments on the professionalism of the members of BikePAC.
155	Chair Shannon	Asks Rep. Lokan if she is a motorcyclist.
156	Rep. Lokan	States she is not and is looking forward to her first ride.
159	Sen. George	Tells Rep. Lokan she can look forward to a new Harley showing up at Sen. Fisher's.
163	Chair Shannon	Invites McCrossen to testify with a different panel. Requests the witnesses limit

		their testimony to five minutes each.
168	Grant Higginson, M.D., M.P.H.	State Health Officer and Deputy Administrator, Oregon Health Division, Department of Human Resources (DHR). Submits and presents testimony in opposition to SB 583 [EXHIBIT I]. Reviews the reasons why DHR opposes SB 583. States DHR commissioned the Oregon Health Policy Institute's report referenced in previous testimony. A copy of the OHPI report is made part of the record [EXHIBIT J]. Reads excerpts from the report relating to motorcycle helmet use.
218	Higginson	Reviews the fourth question and response in the OHPI report. Continues review of DHR's opposition to SB 583.
260	Joanne Fairchild, R.N.	Trauma Nurse Coordinator/Prevention and Outreach, Legacy Emanuel Hospital. Submits and presents testimony in opposition to SB 583 [EXHIBIT K]. Comments on costs of non-helmeted motorcyclists to the hospital. Believes helmets are an effective safety measure.
331	Ed Neuwelt, M.D.	Neurosurgeon, and Administrator, THINK FIRST, Oregon Health Sciences University (OHSU). Submits and presents testimony in opposition to SB 583 [EXHIBIT L]. States he has probably seen more head and spinal cord injury than anyone in Oregon. Questions whether the impact of one's civil liberties on another is appropriate. Comments on actor Christopher Reeve's accident.
375	Chair Shannon	Asks if Reeve was helmeted.
375	Fairchild	Explains the two kinds of equestrian helmets. States Reeves was wearing a show helmet, which has very little padding.
385	Neuwelt	States Reeve sustained a spinal cord injury, not a head injury. Motorcycle helmets do not prevent spinal cord injuries.
402	Chair Shannon	Asks Neuwelt if he was a member of the Blue Ribbon panel.
403	Neuwelt	States he was not.
406	Chair Shannon	States she understands the Blue Ribbon panel did not recommend continuation of the helmet law.
411	Higginson	States Sen. Shannon's comment is not correct. References the excerpts he previously read.
418	Chair Shannon	Asks if it was the Blue Ribbon panel's recommendation that helmets be required.
420	Higginson	States DHR did not ask the panel whether the law should be retained. States DHR asked the panel whether motorcycle helmet laws are effective.
430	Sen. George	Asks how many of the 75 people who died while either walking or bicycle riding were wearing helmets.
435	Higginson	States he does not know, but he doubts any of the people were wearing helmets.
TAPE 34, B		

001	Sen. George	States the figures came from Oregon Vital Statistics. Comments on 414 fatalities involving motor vehicles. Asks if people in motor vehicles should be required to wear helmets. Asks the witnesses if they know how many people were injured in motor vehicle accidents during the last year.
009	Higginson	States he does not have the data with him. States it is necessary to look at rates of injuries and fatalities, not just numbers.
018	Sen. George	States there were 169 deaths from medicines and drugs, 180 deaths from poisoning, and 28 deaths from suffocation. States perhaps food should be pureed.
023	Higginson	States Sen. George has brought up good issues. States laws require hamburger be cooked to medium.
030	Chair Shannon	States common sense should tell one to not eat raw meat and a law is not needed. States one should have personal responsibility for their body.
037	Neuwelt	Comments on the death of Sonny Bono in a skiing accident. States OHSU does not advocate helmets for skiing unless skiing at a high rate of speed in wooded areas or competitive skiing.
045	Sen. George	Comments on his skiing experiences.
049	Higginson	In response to skiing issues, states there is a huge difference in the number of deaths and serious injuries. States he skis on private land. States a helmet is not required while driving a motorcycle on private land.
068	Scott Lorimor	Senior Trooper, Oregon State Police (OSP). Submits and presents testimony in opposition to SB 583 [EXHIBIT M] . Comments on the drop in motorcycle fatalities from 1987 to 1988, when the helmet law was enacted.
101	Sen. Ferrioli	States the town of Fossil is in his district and on a particular weekend each year he receives many phone calls, most of which are about stops made by troopers who stop helmeted motorcyclists. Asks Lorimor if the state police are required to determine if a helmet is United States Department of Transportation (DOT) approved.
110	Lorimor	States the state police try to enforce what the law reads.
114	Sen. Ferrioli	Asks if the state police have training protocols that require determining if all DOT-stickered helmets are legal.
119	Lorimor	States his understanding of the helmet law.
123	Sen. Ferrioli	States he wants to know if the troopers are trained to recognize DOT-approved helmets.
126	Lorimor	States the OSP training is done through the statutes.
127	Sen. Ferrioli	Asks if the tortoise shell or beanie type helmets are approved by DOT.
129	Lorimor	States he does not know. States if a helmet has a DOT sticker, a hard shell, and a secure chin strap it is approved, according to Oregon statute.

134	Sen. Ferrioli	States some of the phone calls he receives are from people who are wearing DOT-approved helmets, but are ticketed anyway; and that is why he asked about training protocol for field troopers.
139	Chair Shannon	Requests the witnesses to limit their testimony to areas that have not been covered.
144	Susan Sanazaro, R.N.	Salem, Hospital. States her opposition to SB 583. Believes that if the committee supports repeal of the helmet law, they are saying there is money to burn, not only for head injury treatment, but also lifetime support for people with injuries.
164	Stan Porter	Transportation Safety Division, ODOT. Submits and presents testimony on behalf of Troy Costales in opposition to SB 583 [EXHIBIT N]. References the charts in his testimony. Comments on Oregon motorcycle fatalities before and after enactment of the motorcycle helmet law.
188	Sen. George	References statistics in the 1985 <i>British Journal of Accident Surveys</i> : two died with no helmets, four died with full-face helmets, and 32 died with open-face helmets. States he thinks these statistics could mean that wearing a helmet is dangerous. Cites a statement made by an ODOT employee during the 1997 Session about driver population, accident counts and rates, and injury severity. States it is important to know exactly what is being measured when citing statistics. States some on the data provided are dependent upon a reduction in the use of motorcycles.
206	Porter	States motorcycle endorsements and registrations have increased in the past six years. States Oregon has nearly a 100 percent helmet usage rate, so people who die in motorcycle accidents will be wearing helmets.
212	Sen. George	Reiterates his concern about what statistics are used. Believes the statistics provided today fall short of what is critical.
228	Chair Shannon	Asks the witnesses to focus their testimony on what has not already been addressed. Asks Michael Boggs if he has an amendment.
234	Michael Boggs	States the clerk suggested he present his amendments to the committee.
237	Mark Reaney	Chair, Governor's Advisory Committee on Motorcycle Safety. Submits testimony in opposition to SB 583 [EXHIBIT O]. States the committee opposes SB 583 for the simple reason that in Oregon motorcycle helmets save lives. Comments on the statistics in his testimony. Urges the committee to consider Oregon's statistics.
279	Chair Shannon	Asks Reaney if he is a motorcyclist.
280	Reaney	States he has been a motorcyclist for 33 years.
281	Sen. Hannon	Asks Reaney if he has statistics to show how many of the motorcycle fatalities had motorcycle educational training. Believes the facts provided today counter each other. States there were no motorcycle education courses when there was no helmet law.
301	Reaney	Does not believe Sen. Hannon's comments are a fair assumption.
305	Porter	States Team Oregon Motorcycle Safety Program started in 1984 as a voluntary program. States the law changed in 1987 requiring all riders under the age of 19 to

		take mandatory training. States in 1997 the age was raised to 21.
318	Sen. Hannon	Compares fatality and helmet use statistics for 1984 and 1976. Does not believe the figures show a reduction in fatalities because of helmet use. Asks if there is an average age statistic for motorcycle fatalities.
336	Porter	References chart 3 in his testimony. States in 1983 the average age was under 25 and in 1998 the average fatality is aged 40.
346	Sen. Hannon	States senior citizens will be required to take tests every four years so the age should decrease to 40 and below.
350	Porter	Relating to training, states just over 600 people were trained in 1984. Over 3000 people were trained in 1998.
358	Sen. Hannon	Asks what types of accidents are happening.
361	Porter	States the majority of motorcycle fatal crashes over the past seven years have been single vehicle accidents. Comments on contributing circumstances.
369	Sen. Hannon	States there are already laws on the books relating to the contributing circumstances.
370	Porter	States many people do not pay attention to the laws.
372	Sen. George	Relating to fatalities per 100 accidents, in voluntary helmet states there are 2.9. In mandatory helmet states there are 2.98 fatalities. Asks the witness if he disputes the number.
380	Porter	States he does not dispute the numbers. States most studies indicate 66 percent of the crashes between motorcycles and other vehicles are caused by automobiles. In Oregon the rate is 30 percent.
391	Sen. George	References statistics that indicate Oregon had 6.5 fatalities per 100 accidents under the mandatory helmet law.
395	Porter	States Oregon has been either the lowest or within the lowest four states for the fatality rate over the last eight years.
397	Sen. George	Clarifies that is fatalities per 100 accidents.
398	Porter	States the rate is per 1000 registered vehicles.
400	Sen. George	States the measurement should be per 100 accidents.
402	Chair Shannon	States the members have all been lobbied and know the issue. States she would like to move the bill to the floor and not hear any more testimony. Closes public hearing on SB 583. Opens work session on SB 583.
<u>SB 583 WORK SESSION</u>		
417	Sen. Hannon	Asks if there are any amendments.

418	Chair Shannon	States there are no amendments.
419	Sen. Hannon	MOTION: Moves SB 583 to the floor with a DO PASS recommendation.
		VOTE: 4-1 AYE: 4 - Ferrioli, George, Hannon, Shannon NAY: 1 - Yih EXCUSED: 2 - Castillo, Dukes
	Chair Shannon	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
434	Chair Shannon	Closes work session on SB 583. Announces SB 718 has a referral to the Senate Revenue Committee. States her intent to lift the referral. Declares the meeting adjourned at 4:50 p.m.
		Letters submitted by staff supporting SB 583 [EXHIBIT P] on behalf of John Rieth, Larry and Judy LaMay, Melinda McCrossen, Robert Alford, Christopher Vieira, and Kim Vieira. Written information submitted by staff on SB 583 [EXHIBIT Q] on behalf of Grant Higginson.

Submitted By, Reviewed By,

Valerie Luhr, Don Scott,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 718, written testimony, John Fairchild, 2 pp.

B -- SB 718, written testimony, Mac Pennington, 2 pp.

C -- SB 718, written information, Bob McKellar, 18 pp.

D ñ LC 4081, Sen. Joan Dukes, 3 pp.

E -- SB 583, written testimony, Bob Avery, 5 pp.

F -- SB 583, written testimony, Brian Stovall, 2 pp.

G -- SB 583, written testimony, Teresa Hepker, 31 pp.

H -- SB 583, written testimony, Rep. Jane Lokan, 2 pp.

I -- SB 583, written testimony, Grant Higginson, 3 pp.

J ñ SB 583, written information, Grant Higginson, 28 pp.

K -- SB 583, written testimony, Joan Fairchild, 11 pp.

L -- SB 583, written testimony, Edward Neuwelt, 2 pp.

M -- SB 583, written testimony, Scott Lorimor, 2 pp.

N -- SB 583, written testimony, Stan Porter, 5 pp.

O ñ SB 583, written testimony, Mark Reaney, 4 pp.

P ñ SB 583, written information, staff, 10 pp.

Q ñ SB 583, written information staff, 2 pp.