

SENATE COMMITTEE ON TRANSPORTATION

March 8, 1999 Hearing Room C

3:05 p.m. Tapes 36 - 37

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 558 Public Hearing and Work Session

SB 614 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 36, A		
003	Chair Shannon	Calls the meeting to order at 3:18 p.m. Opens public hearing on SB 558.
<u>Sb 558 PUBLIC HEARING</u>		
009	Sen. Randy Miller	Senate District 13. Testifies in support of SB 558. States a great majority of Oregon's drivers are driving in violation of Oregon law. Believes it is correct to increase enforcement and to examine the law. Believes the best thing to do is conform the law to the reasonable and safe behavior of the state's citizens. States

		the bill proposes to repeal the federal maximum limit on rural interstate highways. Reviews provisions of the bill. Comments on stretches of highway where the 55 mile per hour (mph) speed limit is not reasonable.
055	Sen. Miller	States statistics have shown that fatalities declined as speeds increased. States some states raised their speed limits even though they jeopardized federal funding.
072	Chair Shannon	Asks Sen. Miller if he knows Arizona's speed limit.
073	Sen. Miller	States he does not.
074	Chair Shannon	States Arizona's speed limit is 75 mph for cars and trucks.
075	Sen. Miller	Urges the committee's support of SB 558. Comments on provisions in the bill relating to the Oregon Department of Transportation (ODOT). Asks the committee to consider an amendment to change the 55 mph speed limit for other highways to 65 mph. Requests the committee debate among themselves the need to retain maximum speeds or just have a strict basic rule concept.
104	Chair Shannon	Asks if the bill is mandating speed limits or allowing ODOT to change them.
106	Sen. Miller	States the bill would allow ODOT to set speeds after consulting with traffic engineers about safety in areas where local jurisdictions are affected. Believes it is important for local jurisdictions to have input.
117	Chair Shannon	Asks if the bill is taking authority from legislature and allowing ODOT to set the speed limits.
120	Sen. Miller	States ODOT has the authority to go below some of the speeds. States ODOT still would not be able to go over 75 mph if the bill passes.
122	Chair Shannon	Reiterates ODOT would be setting speed limits, not the legislature.
123	Sen. Miller	States Chair Shannon is correct. States he has confidence in the department.
132	Sen. George	Comments on a television program in which it was revealed that drivers automatically adjust to the conditions. States he believes that most drivers have a sense of what is safe and reasonable.
145	Sen. Miller	States he did not see the program. Comments on Washington State's experience when they changed their law. Indicates the posted speed in Oregon was 70 mph about 30 years ago; and cars were not as good, tires were not as good, and braking systems were not as good, one's ability to survive a crash was not as good.

168	Sen. Hannon	Asks if "interstate highways" means I-5, I-205, and I-84, and Highway 217.
178	Sen. Miller	States he understands they are.
179	Sen. Hannon	Clarifies the bill would apply to state highways. Asks about rural county highways.
180	Sen. Miller	States the other highways would be the rural highways that currently have a 55 mph speed, such as US 97 and highways 26 and 22.
186	Sen. Hannon	States his understanding of state highways. States rural highways in a county that are not state controlled highways, but county controlled highways, used to be controlled by the state speed board. Asks how this law affects the board.
199	Sen. Miller	States he hopes to have a similar mechanism for the highways not controlled by the speed control board. States he wants to make sure the counties and local jurisdictions have input about speeds.
217	Sen. Hannon	States why he believes it is a good ideas to restructure the state speed control board.
233	Sen. Miller	States hopefully whatever group is constituted would have jurisdiction over the widest number of highways. Wants the process to be meaningful for local jurisdictions and not have the legislature impose its will on local jurisdictions on all kinds of matters.
244	Vice Chair Yih	Asks if the bill says ODOT will consult with local jurisdictions or local speed boards.
249	Sen. Miller	References language subsection (7), line 21, page 5, "The department, by rule, may designate a reasonable and safe" through subsection (d), "The department shall exercise authority granted under this subsection" States he hopes the language contains the idea that engineers, not just the state, would provide information. States he is receptive to gathering as much information as possible to set safe, reasonable speeds the citizens would respect.
267	Vice Chair Yih	Asks Sen. Miller if he believes increased speeds will not increase accidents.
280	Sen. Miller	States he does not believe fatalities will increase if safe and reasonable speed limits are set. Increased speeds have not shown increased accidents. States he does not want to create autobahns in the state. States the speeds must be reasonable. States speeds were 70, 75 and 80 mph prior to the conservation act.
312	Vice Chair Yih	States she is glad the provision Sen. Miller referenced is in the bill.

313	Sen. George	References Section 10, page 7, line 23 of the bill. Asks if the section means anyone driving less than 75 mph will be cited.
319	Sen. Miller	States he is positive that is not the outcome. Urges the committee to have discussion on the wisdom of maintaining a maximum speed limit as opposed to a pure basic rule. States it is important that a driver could perhaps safely exceed the posted speed and go slower.
344	Chair Shannon	Asks Sen. Miller if he knows the connection between the use of radar and violation of the basic rule (VBR).
348	Sen. Miller	States his understanding of the basic rule. States radar implies a person is cited for going a particular speed. Uses an example of driving between Redmond and Bend.
379	Chair Shannon	References a safety meeting she recently attended in Sheridan. States the police mentioned they could not use radar to ticket a driver for violation of the basic rule.
384	Sen. Miller	States his disagreement with the assertion mention by Chair Shannon.
400	Chair Shannon	Asks Sen. Miller if he will remain for the rest of the testimony.
402	Sen. Miller	States he is chairing another committee and must leave, but he may come back.
TAPE 37, A		
005	Ed Fischer, P.E.	State Traffic Engineer, ODOT. Submits and presents testimony on SB 558 [EXHIBIT A] . Explains why ODOT believes the passage of SB 558 will have a major impact on the department.
018	Sen. Hannon	References the fiscal impact statement. Expresses concern about replacing rural interstate speed signs instead of altering them. States reflective material is available to alter the signs.
031	Fischer	States it would be better to place the material over all characters to avoid a difference in reflectivity. States some existing signs have finished their life expectancy. States the cost estimate is based on replacing all of the signs.
040	Chair Shannon	Asks if the signs are due to be replaced.
042	Fischer	States that is not necessarily the case. States the department's estimate was based on replacing all of the signs.

046	Chair Shannon	Asks why highways would need to be reengineered if studies were already done.
047	Fischer	Explains there may be portions of a road that would not safely allow a 75-mph speed.
055	Sen. Hannon	States someone would need to be brain-dead to come off the Siskiyou at 75 mph. States even though the bill says "maximum," ODOT can still determine lesser amounts. Uses I-5 near Myrtle Creek as an example.
069	Fischer	States ODOT would not change the 50 mph near Myrtle Creek.
073	Sen. Hannon	States he does not understand ODOT's arguments about the bill, because the department retains discretion to set speed limits in certain areas.
077	Fischer	States ODOT reads the bill that it would establish a maximum speed limit of 75 mph. States ODOT has not completed studies to determine speed limits.
085	Sen. Dukes	Asks why ODOT could not rely on the studies they completed when the federal government decided the limit would be 65 mph.
095	Fischer	States he believes ODOT can rely on the studies.
096	Sen. Dukes	Asks if the studies would take care of most of the stretches of highway that needed to be less than 75 mph.
097	Fischer	States they probably would but does not know for sure at this time. States ODOT would need to review road curvatures and perform speed zone investigations. Comments on the costs to change speed signs.
102	Sen. Dukes	Asks how many freeway speed signs are changed in a given year.
104	Fischer	States he does not know. Comments on the life expectancy of signs.
109	Sen. Dukes	States she thought ODOT was still in the process of putting up new reflective signs. Asks if the signs not yet changed will be changed and would they come out of the estimate.
117	Fischer	Comments on results of studies that have been done since 1995 when the National Highway System Act was passed by the federal government.
132	Sen. Dukes	Asks if ODOT has a corresponding list of vehicle miles traveled for those states in the studies.

135	Fischer	States he does not have a comparison but has a copy of the study, which he would be glad to share with the committee.
141	Sen. Dukes	States she would like to see the comparisons. States that perhaps those states that experienced increased fatalities also experienced increased vehicle miles traveled.
151	Fischer	States he does not know.
152	Sen. Dukes	Suggests ODOT check with other states about their statistics. States she believes the state of Washington did a study on their speed limit that indicated increases in accidents and deaths.
159	Fischer	States ODOT has been trying to get information from Washington without results.
164	Sen. Dukes	Asks why they have not had a response from Washington.
165	Fischer	States ODOT started calling today. References information about vehicle miles traveled in the report he cited earlier and states the conclusion is that raising the speed limits causes more deaths.
181	Sen. George	Requests a copy of the study that Fischer cites. States he believes no one is driving the posted speed limits in Oregon. Asks Fischer to respond to the way Oregonians are driving.
193	Fischer	References speed studies done on the interstate system using the 85 th percentile. States the 85 th percentile is about 71 to 72 mph.
219	Sen. George	Comments on Sen. Hannon's remarks about the 55-mph curves on I-5. Indicates the speed coming into Salem is 55 mph. Asks if those speeds are not used in the studies.
231	Chair Shannon	Asks why ODOT would need to invest in more studies since they recently completed some.
235	Fischer	States the numbers he referenced are taken from ODOT's permanent 24-hour counters.
241	Chair Shannon	Asks if the new studies would be one-tenth of one percent of the whole budget.
245	Fisher	States he does not know what the entire budget is. Believes the amount is around \$200,000.

261	Bruce Hoffman	Sergeant, Patrol Services Division, Oregon State Police (OSP). Submits testimony in opposition to SB 558 [EXHIBIT B] . Indicates the OSP oppose the bill because the increased speed limit will cause more deaths, and the state police do not have the capacity to enforce the speed limit.
313	Sen. George	Asks what percentage of the cars traveling at the full road speed actually crash into something without braking.
317	Hoffman	States he does not know.
318	Sen. George	Believes it would be a small amount. States a person probably would fall asleep or be intoxicated.
322	Hoffman	States his agreement.
323	Sen. George	States the number 2 item in Hoffman's testimony is not relevant.
325	Hoffman	States it takes a certain amount of time to slow down from whatever speed a driver starts.
332	Sen. George	Asks if there are studies that indicate a driver is more alert when traveling at higher speeds.
345	Hoffman	States he is not aware of any studies, but has heard anecdotal stories.
355	Vice Chair Yih	References language in the bill that says ODOT will not change the speed limit unless traffic and engineering studies indicate the need.
363	Hoffman	Reads the text on page 1, lines 9 and 10, of the bill. States the speed would be raised to 75 mph, as the bill, is written unless ODOT has reason to change it.
381	Vice Chair Yih	Asks if the speed would be increased before any investigation.
383	Hoffman	States that is his interpretation.
392	Sen. Castillo	Asks about the reliability of information from the National Highway Traffic Safety Administration (NHTSA) and the Insurance Institute for Highway Safety.
404	Hoffman	Explains the organizations. States he believes they are reliable.
414	Sen. Castillo	Asks Hoffman if he believes the two organizations put together objective information or have a bias.

420	Hoffman	States he believes the organizations are reliable.
Tape 36, B		
004	Mel Zucker	Portland, Oregon. Comments on results of studies done by a professor from the University of California at Irvine. States the original design standard for the interstate system was 70 mph and cars were heavier and took longer braking intervals. States he does not see why the OSP needs increased staff to enforce 75 mph. Believes slow speeds should be enforced.
034	Sen. George	References the television show he viewed. Comments on the affects of lane width. References Highway 22 west of Salem.
046	Zucker	States he asked for a copy of the television broadcast. Comments on road capacity for highways 18, 22, and 20. Believes the slow driver is the biggest problem and the laws should be enforced.
064	Chair Shannon	States most of the people who drive slowly are driving the speed limit.
071	Marshal Coba	Oregon Trucking Association (OTA). Introduces John Sallak. States he was surprised at the lack of uniformity on the speed limit among the trucking industry. States if the bill was implemented, many of the OTA members would continue to operate at the speeds they currently observe.
086	Chair Shannon	Asks if the OTA would continue to operate at their current speeds if it caused road rage.
089	Coba	States he will let Sallak answer, but there are some business and operational reasons to continue operating at current speeds.
091	John Sallak	Executive Vice President, Oregon Trucking Association. States the issue of highway safety is a primary concern to the OTA. Discusses the three legs that are important to highway safety: engineering, education, and enforcement. Comments on OTA's support for the 55-mph speed limit.
134	Chair Shannon	Asks if the interstate drivers respect the laws when driving through Arizona.
142	Sallak	States it is an issue of company control.
150	Chair Shannon	Asks Sallak if he is aware that both Governor's and Senator's budgets have provisions for 100 new patrol officers.
262	Sallak	States he knew the requests had been made.

156	Sen. George	Asks if studies have been made comparing truck stopping ability for radial and bias tires.
166	Sallak	States trucks are stopping more efficiently on radial tires. Trucks also have antilock brake systems.
173	Chair Shannon	Asks Sallak if his testimony is for or against the bill.
175	Sallak	States he is neutral.
178	Vice Chair Yih	States Sallakis testimony does not sound neutral because he supports the differential between truck and auto speeds.
182	Sallak	States he appreciates that both truck and auto speeds are increasing and the 10-mph differential will continue. States he misunderstood the bill if there is a 20 mph differential.
191	Vice Chair Yih	Asks if ODOT can set speeds without doing an investigation. Comments on Hoffmanis concerns with the language on page 1, lines 9 and 10 of the bill.
202	Sen. Miller	States he wants authority within ODOT to arrive at safe and reasonable speeds. References authority of the State Speed Zone Review Panel and hopes the committee would pursue that. Hopes ODOT would take into account engineering and safety factors when setting speeds. States statistics can be manufactured. NHTSA would like a 55-mph speed limit throughout the country. References Sen. Georgeis comments about the way Oregonis citizens are driving. States Oregon should post a speed limit that is safe and reasonable and reflects the behavior of the citizens.
270	Vice Chair Yih	States ODOT said people drive 70 mph to 71 mph at the 85 th percentile.
275	Sen. Miller	States he would not be surprised if ODOT established a 70-mph speed limit between Salem and Portland. States 75 mph would be reasonable for more remote areas, such as on I-84. States he would be willing to amend the bill if it is not artfully written.
304	Chair Shannon	Closes public hearing on SB 558. Opens a work session on SB 558.
<u>SB 558 WORK SESSION</u>		
308	Sen. Hannon	States he will move the bill. Asks Sen. Miller if he wants an amendment concerning the speed control board or if he will do it in the House.
313	Sen. Miller	States the bill can be amended in the Senate.

315	Sen. Hannon	States he wants the issue taken out of ODOT and put in hands of a state speed control board comprised of a group of local citizens. Comments on the board's duties. Asks Sen. Miller if he could have an amendment by Wednesday (March 10).
326		A member of Legislative Counsel responds affirmatively from the audience.
329	Sen. Hannon	States he will move the bill on Wednesday if it is amended.
330	Chair Shannon	States she is agreeable to the action. Asks if the speed board is open-minded or behind the 55 mph speed limit.
337	Sen. Hannon	States speed limits have increased and decreased in southern Oregon because of the speed board.
348	Chair Shannon	Asks Sen. Hannon if he objects to hearing SB 558 again on March 15.
350	Sen. Hannon	Suggests hearing from Legislative Counsel.
353	Joan Robinson	Legislative Counsel Office. States the State Speed Control Board was abolished several years ago.
358	Sen. Hannon	States he wants to recreate the board and it would set the posted speeds on interstate and state highways.
362	Robinson	Asks if there would be legislative maximum and minimum speeds.
365	Sen. Hannon	States the maximum would be 75 mph on interstates, 65 mph on state highways, and the board could set minimum speeds.
370	Sen. Miller	States Sen. Hannon is accurate. States ODOT currently has the authority to set the speeds.
374	Robinson	States the rural interstate speed would increase to 75 mph from the current 65 mph as the bill currently reads. References the OSP testimony, which indicated ODOT could raise or lower the speed on the basis of traffic and engineering studies. Asks Sen. Hannon if that is correct.
384	Sen. Hannon	States Robinson is correct but something else is needed to address state highways.
387	Robinson	Reviews current provisions in the bill relating to ODOT's ability to designate reasonable and safe speeds on state highways.

396	Sen. Hannon	States ODOT currently has the authority to set speeds higher than 55 mph on state highways.
400	Robinson	States ODOT probably has the authority right now because the 55-mph federal maximum speed limit is invalid in Oregonóthere is no default speed limit. States Oregon could not increase the 55-mph federal maximum speed limit.
412	Sen. Hannon	Asks if ODOT or a state speed control board faces liability if they set speed limitations.
417	Robinson	States probably not if the speeds were based on traffic engineering studies and used reasonable discretion. States government agencies that are doing discretionary acts are not liable.
TAPE 37, B		
005	Sen. Hannon	Indicates state highways could be increased above 55 mph as the bill is currently written.
007	Robinson	States they could under the bill draft.
008	Sen. Hannon	Asks if the amendment is needed.
008	Robinson	States she believes it is not needed but wants to talk to ODOT about their interpretation.
009	Sen. Hannon	Clarifies the amendment is not needed.
014	Chair Shannon	Asks Robinson to speak with ODOT now because she wants to move SB 558.
		Robinson confers with ODOT representatives in the audience.
016	Robinson	States Sen. Miller raised another connected issue on ORS 811.105 (page 2). Reviews provisions of ORS 811.105.
025	Sen. Hannon	References the text on page 2, line 23. Asks what prohibition is in effect to increase the speed to 65 mph on rural state highways, not interstates.
032	Robinson	Reviews provisions of subsection 7, page 5, lines 21 through 24. Reviews provisions of subsection 6, page 5, lines 6 through 10.
049	Sen. Hannon	States those are the provisions that allow ODOT to go up to 65 mph or higher.

052	Sen. Hannon	MOTION: Moves SB 558 to the floor with a DO PASS recommendation.
054	Vice Chair Yih	Asks Robinson if I-5 is considered rural interstate.
056	Robinson	States parts of I-5 are rural interstate. Comments on the difference between urban and rural interstate.
067	Vice Chair Yih	Asks if ODOT can change the speed limit without traffic and engineering studies.
070	Robinson	Reviews current provisions in the law allowing ODOT to reduce speeds. Reviews provisions in SB 558 for allowing ODOT to change the prima facie speed.
083	Sen. Castillo	States she will vote no on the bill out of concern for highway safety. Expresses concern about increased truck speeds.
089	Vice Chair Yih	States she is a courtesy yes vote in committee and reserves the right to vote no on the floor.
		VOTE: 4-1 AYE: 4 - Ferrioli, Hannon, Yih, Shannon NAY: 1 - Castillo EXCUSED: 2 - Dukes, George
100	Chair Shannon	The motion CARRIES. SEN. MILLER AND SEN. HANNON will lead discussion on the floor.
103		Closes work session on SB 558. Opens public hearing on SB 614. States she will not open a work session on SB 614.
<u>SB 614 PUBLIC HEARING</u>		
109	Chair Shannon	Explains SB 614 is her bill. Reviews provisions of the bill. States the bill is needed because the public and the legislature are frustrated by ODOT's bookkeeping. States the best part of the bill is ODOT's agreement to move to a cost accounting system. States she wanted the provisions in the statutes because some of the members are term limited.
127	Mike Marsh	ODOT, submits and presents testimony [EXHIBIT C] . States ODOT is on its way to accomplish the intent of SB 614. Reviews what it will take and how

		ODOT will achieve the goal. States the agency will update the legislature on implementation and use of the system.
165	Sen. Hannon	States he thinks ODOT's implementation is very good. References the merger of the ODOT and Jackson County road departments. States the agencies use different methods to determine costs. Asks about the methods the county and the state use to amortize equipment or a person's wages. States a more accurate reflection of unit costs is needed. States it is necessary to have a more accurate picture of true costs.
207	Chair Shannon	States Sen. Hannon is correct. Comments on the difficulty in getting answers to questions because of ODOT's current accounting system.
215	Marsh	States ODOT will need to establish standards when working with its partners about how definitions are done.
225	Sen. Castillo	States she thinks the department is going through a good process. Asks about ODOT's completion date.
228	Marsh	States ODOT has completed the first phase of the 1998 work. States ODOT's goal for the 1999 work is to have a report by the 2001 Session. States he will provide a timeline for the committee.
241	Chair Shannon	States there will be an amendment for the completion date and she will work with the department. Closes public hearing on SB 614. Adjourns the meeting at 4:55 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Megan Palau,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 558, written testimony, Ed Fischer, 3 pp.

B ñ SB 558, written testimony, Bruce Hoffman, 4 pp.

C ñ SB 614, written testimony, Mike Marsh, 1 p.