

## SENATE COMMITTEE ON TRANSPORTATION

April 21, 1999 Hearing Room C

3:05 p.m. Tapes 68 - 69

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

Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Gary George

**MEMBER EXCUSED:** Sen. Lenn Hannon

**STAFF PRESENT:** Megan Palau, Administrator

Gary Roulier, Administrative Support

**MEASURE/ISSUES HEARD:** SB 1090 Public Hearing

SB 815 Public Hearing and Work Session

SB 908 Work Session

SB 877 Public Hearing and Work Session

SB 1216 Public Hearing and Work Session

SB 1296 Public Hearing

SB 764 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 68, A**

002

Chair Shannon

Opens the meeting at 3:20 p.m. and opens a public hearing on SB 1090.

**SB 1090 PUBLIC HEARING**

003

Megan Palau

Administrator. Explains the provisions of SB 1090 which requires the election of members of district boards of certain mass transit districts. Adds that SB 1090 only applies to the Portland and Eugene mass transit districts.

016

Genoa Ingram

Oregon Association of Realtors. Testifies in support of SB 1090.

036

Marsha Edwards

Eugene Association of Realtors. Testifies in support of SB 1090. Notes that the transit tax is taxation without representation since the Lane Transit District members are appointed rather than elected.

056

Nicki Gustin

President, Eugene Association of Realtors. Presents (**EXHIBIT A**) and testifies in support of SB 1090. States that the board members need to be accountable to the residents of the district.

069

Sen. Castillo

Asks how things will be different or better if the change is made from an appointed to an elected board.

075

Ingram

Responds that elected boards lead to more citizen input and would increase accountability.

086

Chair Shannon

Adds that elections provide for additional accountability

091

Sen. Castillo

Asks if there is a concern about politicizing the position, particularly with eminent domain issues.

105

Don Mogenson

Eugene Association of Realtors. Presents (**EXHIBIT B**) and testifies in support of SB 1090. Responds that local issues do arise and SB 1090 will allow the citizens of a district to elect those who will represent them and set the tax rates.

125

Sen. Castillo

Asks if Lane County would pay for the election and if there are limitations within SB 1090 that would limit the taxing authority within the district.

136

Mogenson

Answers that Lane County would pay for the election and the taxing authority would be limited by statutes. Adds that the real objection is a lack of input into the transit district.

147

Roger Martin

Oregon Transit Association. Testifies in opposition to SB 1090. Provides a historical background of transit districts within the state. Adds that the Portland

		and Lane transit districts are not financed by property tax.
194	Linda Lynch	Lane Transit District. Presents ( <b>EXHIBIT C</b> ) and testifies in opposition to SB 1090.
212	Roger Saydack	Attorney, Lane Transit District. Testifies in opposition to SB 1090. Notes that a public process exists for eminent domain exists, and the board does not have the authority to tax, which is set by the legislators. Adds that there is nothing in SB 1090 that improves transit services.
269	Chair Shannon	Closes the public hearing and opens a public hearing on SB 815.
<b><u>SB 815 PUBLIC HEARING</u></b>		
281	Palau	Explains the provisions of SB 815 which requires the Oregon Department of Transportation (ODOT) to begin environmental impact studies for certain toll road projects. Requires specified moneys to be placed in the State Tollway Account.
297	Leslie Lewis	State Representative, District 29. Testifies in support of SB 815 and summarizes the background for the development of SB 815. Emphasizes the problems with congestion on Highway 99W.
347	Rep. Lewis	Outlines the projects that would be funded under SB 815 and the amount and sources of the funds.
392	Chair Shannon	Asks if the witness has asked the federal congressional delegation for funds for projects in Newberg.
410	Rep. Lewis	Responds that they have received some federal moneys and have also received commitments for additional funding from the cities of Newberg, McMinnville and Dundee.

**TAPE 69, A**

002	Juley Gianella	State Representative, District 38. Testifies in support of SB 815. Notes that a bypass is urgently needed in Yamhill County.
018	Sen. Yih	Asks if the federal funds are earmarked to the environmental study in Yamhill County.

021	Rep. Lewis	Responds that \$375 thousand is earmarked for the environmental study.
025	Sen. Yih	Asks for the fiscal impact of the environmental study.
031	Rep. Lewis	Answers that the total project will cost approximately \$2.5-3 million. Adds that over \$600 thousand has been raised and the remainder would have to be funded by the state.
	Sen. Yih	Asks about the use of tolls to pay for the project.
041	Rep. Lewis	Responds that tolls will pay for approximately 40-50 percent of the construction costs for the project.
047	Sen. George	States that tolls will eventually yield a profit and be used as a springboard for other projects.
053	Charles Cox	Mayor, City of Newberg. Testifies in support of SB 815. Notes that this mechanism can be used to solve future problems.
069	Sen. Dukes	Asks if the Newberg Bypass and the Tualatin Sherwood Highway are the projects addressed in SB 815.
073	Rep. Lewis	Responds that those are the projects of concern.
080	Dave Haugeboard	Representative, Yamhill County Parkway Project. Testifies in support of SB 815.
094	Chris Hagerbaumer	Air & Transportation Program Director, Oregon Environmental Council (OEC). Presents ( <b>EXHIBIT D</b> ) and testifies in opposition to SB 815. Notes that the OEC supports the concept of the use of toll roads but that the tolls will not pay a high enough percentage of the required construction.
125	Sen. Dukes	Acknowledges the increasing traffic and notes that at some point action needs to be taken to solve the problems. Adds that SB 815 is only mandating environmental impact studies.
154	Sen. George	Notes that traffic is increasing in Salem because drivers do not want to deal with the congestion through Newberg and Dundee when driving to the coast.
176	Dave Barenberg	League of Oregon Cities. Testifies in support of SB 815. Expresses concern that funds will be diverted from cities and counties.
196	Sen. George	Notes that new revenue will be produced through the use of tolls.
201	Barenberg	Remarks that cities within the state have urgent needs and SB 815 diverts approximately \$10 million per year from the city and county share of the highway fund.

221	Doug Tindall	Maintenance Engineer, Oregon Department of Transportation. Presents <b>(EXHIBIT E)</b> and notes that SB 815 will divert funds from existing projects.
244	Sen. Castillo	Asks if the projects listed in SB 815 would be high on ODOT list of priorities.
252	Tindall	Responds that the projects outlined in SB 815 are not listed in the current Statewide Transportation Improvement Program (STIP).
258	Sen. Castillo	Comments that the selection of these projects are not part of the public process. Adds that an increase in the gas tax would take care of some of the needs around the state.
267	Chair Shannon	Notes that SB 815 commits a small percentage of the ODOT budget.
281	Sen. Dukes	Asks if these projects would ever get to the top of the priority list.
287	Tindall	Acknowledges that there are many unmet needs.
289	Chair Shannon	Closes the public hearing and opens a work session on SB 815.

**SB 815 WORK SESSION**

295	Sen. Dukes	Recommends changes to page 1, line 8.
295	Sen. Dukes	<b>MOTION: Moves to AMEND SB 815 on page 1, in line 8, after "(1)," delete ", (2)" and change "(4)" to "(2)".</b>
	Chair Shannon	<b>Hearing no objections, declares the motion CARRIED.</b>
309	Sen. George	<b>MOTION: Moves SB 815 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
	Chair Shannon	<b>VOTE: 4-1</b>
		<b>AYE: 4 - Dukes, George, Yih, Shannon</b>
		<b>NAY: 1 - Castillo</b>
		<b>EXCUSED: 2 - Ferrioli, Hannon</b>

**Chair Shannon**

**The motion CARRIES.**

337

Chair Shannon

Closes the work session and opens a work session on SB 908.

**SB 908 WORK SESSION**

362

**Sen. Dukes**

**MOTION: Moves to RECONSIDER the vote by which "Moves SB 908 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means".**

**VOTE: 5-0**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 2 - Ferrioli, Hannon**

**Chair**

**The motion CARRIES.**

380

Chair Shannon

Closes the work session and opens a public hearing on SB 877.

**TAPE 68, B**

**SB 877 PUBIC HEARING**

001

Palau

Explains the provisions of SB 877 which prohibits operation of certain Class II all-terrain vehicles on highways and punishes violations with a maximum fine of \$300.

005

Robert Greenstreet

Citizen, Corvallis, Oregon. Testifies in support of SB 877 and expresses a concern that there are no conflicts with other bills.

010

Sen. Dukes

Responds that there will be a conflict check when the bill gets to the House.

012

Arnold Rylund

Citizen. Testifies in support of SB 877.

021

Chair Shannon

Closes the public hearing and opens a public hearing on SB 1216.

**SB 1216 PUBLIC HEARING**

023	Palau	Explains the provisions of SB 1216 which transfers the all-terrain vehicle programs and regulations from the Department of Transportation to the State Parks and Recreation Department.
027	Greenstreet	Presents ( <b>EXHIBIT F</b> ) and testifies in support of SB 1216. Notes that the Parks and Recreation Department is an advocate for recreation, and is the natural agency to deal with all-terrain vehicle issues.
060	Sen. Veral Tarno	Senate District 24. Testifies in support of SB 1216.
071	Chair Shannon	Closes the public hearing and opens a work session on SB 877.

**SB 877 WORK SESSION**

091	Sen. Yih	Asks if the Parks Department is committed to administer all-terrain vehicle programs and what a reasonable amount of time would be to set up a training program.
094	Jim Lockwood	Oregon Parks and Recreation Department. Notes that they are committed to developing a training program and would target six months as a reasonable time to develop the program.
118	Arnold Rylund	Adds that six months would be a reasonable target.
124	Chair Shannon	Closes the work session and opens a work session on SB 1216.

**SB 1216 WORK SESSION**

128	Sen. Dukes	<b>MOTION: Moves to ADOPT SB 1216-1 amendments dated 4/7/99 (EXHIBIT ).</b>
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Chair Shannon	<b>Hearing no objection, declares the motion CARRIED.</b>
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132	Sen. Dukes	<b>MOTION: Moves SB 1216 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
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**VOTE: 5-0**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 2 - Ferrioli, Hannon**

Chair	<b>The motion CARRIES.</b>
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**SEN. GEORGE will lead discussion on the floor.**

146 Chair Shannon Closes the work session and opens a work session on SB 877.

**SB 877 WORK SESSION**

153 Sen. Dukes **MOTION: Moves SB 877 to the floor with a DO PASS recommendation.**

**VOTE: 5-0**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 2 - Ferrioli, Hannon**

**Chair**

**The motion CARRIES.**

**SEN. TARNO will lead discussion on the floor.**

168 Chair Shannon Closes the work session and opens a public hearing on SB 1296.

**SB 1296 PUBLIC HEARING**

174 Ted Hughes Ski-Free Corporation. Presents (**EXHIBIT G**) and testifies in support of SB 1296. Notes that 42 states have legalized the operation of remote- controlled ski boats.

201 Chair Shannon Asks about the water conditions necessary to use the ski boat.

205 Hughes Responds that the product can only be used in calm conditions.

218 Sen. Dukes Asks if the product has ever been operated and how old an operator would need to be.

220 Hughes Responds that the product is under development and that an operator would need to be as old as the operator of jetskis.

238 Sen. Dukes Expresses safety concerns about the product. Notes that young operators may not understand the capabilities and limitations of the product.

269 Sen. George Comments that there are several safety features built into the product.



282	Sen. Dukes	Notes that the language within the bill is broad.
309	Paul Donheffner	State Marine Board. Testifies in opposition to SB 1296. Notes that the exemption created within SB 1296 would jeopardize boating safety.
326	Chair Shannon	Asks if an observer is required on a jetski.
331	Donheffner	Responds that an observer is required on a jetski towing a water skier. Notes that because this device falls outside the definition of "personal watercraft" there would be no minimum age.
352	Chair Shannon	Asks if there is a minimum age for operating a watercraft.
356	Donheffner	Answers that there is no minimum age for operating a watercraft. Adds that this device has no way to call attention to the fact that a skier is down in the water.
400	Peter Van Dyke	Lieutenant, Multnomah County Sheriffs Office. Testifies in opposition to SB 1296. Notes that the Marine Board has never seen the product brochure.

**TAPE 69, B**

006	John Rykleklutz	Oregon State Sheriffs Association. Testifies in opposition to SB 1296. Notes that there are several safety concerns with the device.
036	Hughes	Reviews the operation of the Ski-Free product.
049	Chair Shannon	Closes the public hearing on SB 1296. Discusses the remaining agenda. Opens a work session on SB 764.

**SB 764 WORK SESSION**

077	Lee Hazelwood	Legislative Coordinator, Governor's Commission on Senior Services. Reviews the membership of the commission and the provisions of SB 764. Comments that the commission unanimously supports SB 764.
101	Sen. Dukes	States that SB 764 moves a portion of transit from ODOT to the Department of Human Resources (DHR).
113	Chair Shannon	Asks how much funding is presently in DHR for senior and disabled transit services.

115	Hazelwood	Responds that there is \$32 million.
121	Sen. Dukes	Notes that the origin of the \$10 million in funds is the cigarette money and sees a problem with doubling the administration expenses.
139	Hazelwood	Reiterates that the intent is to increase transit services in rural areas. Adds that the intent is to administer the program through the DHR.
173	Sen. Dukes	Remarks that the subsequent referral to Ways and Means does not remove the necessity to deal with substantive issues.
199	Sen. George	States that putting the fund administration into DHR will maximize the available funds.
207	Chair Shannon	Asks if Sen. Dukes has any recommendations for amendments.
212	Sen. Dukes	Responds that the advisory committee created in SB 764 should direct the expenditure of the \$10 million in cigarette money in ODOT.
219	Sen. George	Reiterates that the most efficient way to deliver services for the transit- dependent is through DHR.
221	Chair Shannon	Closes the work session and adjourns the meeting at 5:00 p.m.

Submitted By, Reviewed By,

Gary Roulier, Megan Palau,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ SB 1090, written testimony and letters, Nicki Gustin, 3 pp**

**B ñ SB 1090, written testimony, Don Mogenson, 1 p**

**C ñ SB 1090, written testimony and letter, Linda Lynch, 3 pp**

**D ñ SB 815, written testimony, Chris Hagerbaumer, 1 p**

**E ñ SB 815, written testimony, Doug Tindall, 1 p**

**F ñ SB 1216, written testimony, Robert Greenstreet, 2 pp**

**G ñ SB 1296, product brochure, Ted Hughes, 2 pp**