

SENATE COMMITTEE ON TRANSPORTATION

April 28, 1999 Hearing Room C

3:05 p.m. Tapes 77 - 79

MEMBERS PRESENT: Sen. Marylin Shannon, Chair

Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Ted Ferrioli

Sen. Gary George

Sen. Lenn Hannon

MEMBER EXCUSED:

STAFF PRESENT: Megan Palau, Administrator

Gary Roulier, Administrative Support

MEASURE/ISSUES HEARD: SB 687 Work Session

SB 757 Work Session

SB 1301 Work Session

SB 858 Work Session

SB 1065 Work Session

SB 749 Work Session

SB 498 Work Session

SB 1296 Work Session

SB 907 Work Session

SB 860 Work Session

SB 1281 Work Session

SB 855 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 77, A		
002	Chair Shannon	Opens the meeting at 3:12 p.m. and opens a work session on SB 687.
<u>SB 687 WORK SESSION</u>		
010	Megan Palau	Administrator. Presents (EXHIBIT A) and explains the provisions of the ñl amendments.
030	Sen. Hannon	Asks for the intent of SB 687.
032	Chair Shannon	Responds that the bill clarifies the definition of "when children are present" and further explains the purpose of SB 687.

067 Sen. George MOTION: Moves to ADOPT SB 687-1 amendments dated 4/28/99 (EXHIBIT A).

Chair Shannon Hearing no objection, declares the motion CARRIED.

073 Sen. George MOTION: Moves SB 687 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-0

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

EXCUSED: 1 - Ferrioli

Chair Shannon The motion CARRIES.

SEN. CASTILLO will lead discussion on the floor.

071 Chair Shannon Closes the work session and opens a work session on SB 757.

SB 757 WORK SESSION

072 Palau Explains the provisions of SB 757 which specifies permissible uses of federal transportation funds. Presents (EXHIBIT B) and explains the -2 amendments.

084 Sen. George **MOTION: Moves to ADOPT SB 757 amendments dated 4/28/99 (EXHIBIT B).**

Chair Shannon Hearing no objection, declares the motion CARRIED.

092 Sen. George Explains the ñ2 amendments.

103 Sen. Castillo Asks about flexible funds and whether SB 757 takes away the option of local government to use funds for uses other than new highway construction.

113 Chair Shannon Responds that local entities decide on the uses of the funds within the Statewide Transportation Improvement Plan (STIP).

124 Sen. George Adds that \$201 million in new federal funds are being moved into the construction account.

173 Sen. George **MOTION: Moves SB 757 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on BE RESCINDED.**

VOTE: 4-2

AYE: 3 ñ Adams, Ferrioli, George, Shannon

NAY: 2 - Castillo, Yih

EXCUSED: 1 - Hannon

Chair Shannon The motion CARRIES.

SEN. GEORGE will lead discussion on the floor.

179 Chair Shannon Closes the work session and opens a work session on SB 1301.

SB 1301 WORK SESSION

184 Sen. Eileen Qutub Senate District 4. Testifies in support of SB 1301 which requires ODOT to build the Westside Bypass, a highway in Washington County from Interstate 5 to U.S.

Highway 26.

224	John Bendit	President, Tualatin Chamber of Commerce. Testifies in support of SB 1301. States that this highway link is critical to the successful development of the region.
244	Chair Shannon	Comments that there should be enough money to pay attention to new highway construction with a \$2.5 billion budget for the Oregon Department of Transportation.
254	Sen. George	Reviews traffic congestion in Washington County.
272	Lynn Peterson	Transportation Advocate, 1000 Friends of Oregon. Presents (EXHIBIT C) and testifies in opposition to SB 1301.
312	Ross Williams	Outreach Coordinator, Citizens for Sensible Transportation. Presents (EXHIBIT D) and testifies in opposition to SB 1301.
336	Doug Tindall	Maintenance Engineer, Oregon Department of Transportation (ODOT). Presents (EXHIBIT E) and testifies in opposition to SB 1301.
341	Chair Shannon	Asks if ODOT would sell the right-of-way if the bypass is not built.
346	Tindall	Responds that ODOT is continuing to sell surplus right-of-way.
348	Chair Shannon	Asks why ODOT is asking for an additional \$61 million to purchase right-of-way if they are selling surplus.
352	Tindall	Answers that the requested funds would ensure that ODOT can meet the requirements of the STIP.
361	Peterson	Presents (EXHIBIT F) and reviews a study on integrating land-use and transportation for livable communities.
392	Williams	Notes that the Mayor of Wilsonville does not support the bypass.
400	Chair Shannon	Reviews a study by the University of North Carolina that ranks Oregon as having the eighth best roads in the nation.
402	Williams	Answers that the reality is that Oregon has a large number of roads in "fair" condition and some roads that are in "poor" condition.

417 Chair Shannon Closes the work session and opens a work session on SB 858.

TAPE 78, A

SB 858 WORK SESSION

002 Palau Explains the provisions of SB 858 which prohibits a city or county from granting exclusive franchises to for-hire carriers or persons. Presents (**EXHIBIT G**) and explains the provisions of the amendments.

012 Sen. Rick Metsger Senate District 14. Testifies in support of SB 858.

020 Chair Shannon Closes the work session and opens a work session on SB 1301.

SB 1301 WORK SESSION

028 Sen. Castillo Expresses concern as to why SB 1301 is being referred to a statewide vote when it is a project located in Washington County. Adds that SB 1301 bypasses the public process.

050 Sen. Ferrioli Comments that citizens in Eastern Oregon participate in the public process but remain frustrated because projects fall off the STIP.

058 Sen. Castillo Reiterates that priorities are determined for the entire state.

068 Chair Shannon Emphasizes that citizens become frustrated when projects are delayed. Adds that the ODOT budget is \$2.5 billion and the legislature is sending a message to the Governor that the people want new roads.

085 Sen. Ferrioli Comments that citizens do participate throughout the state and hopes that the committee members will file the appropriate explanations to the voters on the need for the bypass.

102 Sen. Ferrioli **MOTION: Moves SB 1301 to the floor with a DO PASS recommendation.**

104 **VOTE: 3-2**

AYE: 3 – Adams, Ferrioli, George, Shannon

NAY: 2 – Castillo, Yih

EXCUSED: 1 – Hannon

Chair Shannon

The motion CARRIES.

SEN. FERRIOLI will lead discussion on the floor.

115

Chair Shannon

Closes the work session and opens a work session on SB 858.

SB 858 WORK SESSION

121

Dave Kanner

Public Affairs Manager, City of Wilsonville. Testifies in support of SB 858.

123

Dave Barenberg

Association of Oregon Cities. Testifies in opposition to SB 858. Comments that this is a local control issue.

147

Robert Koski

Owner, Wilsonville Cabs. Testifies in opposition to SB 858.

153

Jon Putman

Citizen, Multnomah County. Testifies in opposition to SB 858. Adds that he has never seen the need for this legislation.

185

Sen. George

Comments that empowering a local jurisdiction to grant exclusive contracts is a violation of free enterprise.

202

Sen. George

MOTION: Moves to ADOPT SB 858-2 amendments dated 4/28/99.

Chair Shannon

Hearing no objection, declares the motion CARRIED.

218

Sen. Castillo

Comments that she does not support SB 858 because it is a violation of local control.

224

Sen. George

MOTION: Moves SB 858 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 4-1

AYE: 4 - Ferrioli, George, Yih, Shannon

NAY: 2 - Castillo

EXCUSED: 1 - Hannon

Chair Shannon

The motion CARRIES.

SEN. GEORGE will lead discussion on the floor.

233 Chair Shannon Closes the work session and opens a work session on SB 1065.

SB 1065 WORK SESSION

264 Dave Williams Region 1, ODOT. Presents (**EXHIBIT G**) and testifies that ODOT intends to honor a commitment made in 1995 to Washington County to replace the Barnes Road on-ramp by 2005.

312 Williams Notes that meeting the commitment of replacing the on-ramp will require a switch in the order of projects in the region (page 1 of the exhibit).

340 Lucinda Moyano Department of Justice. Testifies that she is the attorney handling the case and is available to answer questions.

345 Chair Shannon Asks if ODOT knew all along that the county would not get the Barnes on-ramp restored.

353 Moyano Responds that the original question in front of the hearings officer in 1995 was whether the on-ramp was to be replaced immediately or at some future date. Explains that the hearings officer decided that the ramp should not be replaced until 2005. Notes that it will place the Barnes Road project in front of all of the other Westside Corridor projects.

384 Chair Shannon Comments that the agreement was for unrestricted access.

392 Williams Reiterates the ODOT commitment to construct the on-ramp by 2005.

395 Dean Phillips Tri-Met. Explains that Tri-Met intends to honor the commitment for construction of the on-ramp by 2005.

TAPE 77, B

008 Phillips Adds that construction is dependent upon funding availability. Notes that SB 1065 would usurp the regional planning process.

028 Chair Shannon Asks why they are continuing to plan when ODOT cannot keep current commitments.

030 Phillips Answers that this project was part of the Westside project.

042 Chair Shannon Comments that promises need to be kept. Adds that there are no references to the value of the Peterkort property that was donated to enable this project to go forward.

054	Phillips	Responds that no promises were made outside the land use process to construct the on-ramp. Notes that there is no reference to the ramp made in the final land use document.
062	Williams	Adds that ODOT shares the frustration of the Peterkort family and adds that if the money were available the project would have already been completed.
070	Tim Ramis	Attorney, Peterkort Family. Presents (EXHIBIT H) and testifies in support of SB 1065. Emphasizes that promises were made to construct the on-ramp. Notes that the intent of the legislation is to sunset the special exemption from the land use laws that was granted to secure federal funding.
123	Ramis	Comments that the hearings officer decision was that the ramp was to be constructed.
137	Sen. George	Remarks that every time the super siting power is granted it seems to violate the spirit of local land use laws.
156	Sen. George	MOTION: Moves to ADOPT SB 1065-1 amendments dated 4/20/99 (EXHIBIT I).
	Chair Shannon	Hearing no objection, declares the motion CARRIED.
162	Sen. George	MOTION: Moves SB 1065 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-1
		AYE: 4 - Ferrioli, George, Yih, Shannon
		NAY: 1 - Hannon
		EXCUSED: 1 - Castillo
	Chair Shannon	The motion CARRIES.
		SEN. SHANNON will lead discussion on the floor.
168	Chair Shannon	Closes the work session and opens a work session on SB 749.

SB 749 WORK SESSION

183	Sen. Ferrioli	Explains the provisions of SB 749 which allows funds in the Marine Navigation Improvement Fund to be used for channel and harbor projects currently or
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previously authorized by federal law or regulations. Notes that the fiscal costs will be approximately \$17 million. Discusses the sources of funding with Sen. Yih.

213 Sen. Hannon Adds that this expenditure is part of the Governor's budget.

227 Sen. Ferrioli **MOTION: Moves SB 749 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

VOTE: 5-0

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

EXCUSED: 1 - Castillo

Chair Shannon The motion CARRIES.

239 Chair Shannon Closes the work session and opens a work session on SB 498.

SB 498 WORK SESSION

249 Chair Shannon Explains the provisions of SB 498 which requires the suspension of driving privileges and registration of vehicles for a person who abandons vehicle.

258 Sen. Hannon **MOTION: Moves SB 498 to the floor WITHOUT RECOMMENDATION as to passage 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: 1 - Ferrioli

Chair Shannon The motion CARRIES.

269 Chair Shannon Closes the work session and opens a work session on SB 1296.

SB 1296 WORK SESSION

271	Palau	Explains the provisions of SB 1296 which allows a remote-controlled water ski boat to be operated in waters of Oregon.
287	Sen. Castillo	Comments that there was previous testimony regarding concerns about safety.
298	Sen. Hannon	Notes that the safety concerns will be addressed in the Ways and Means committee.
314	Sen. Hannon	MOTION: Moves SB 1296 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 4-2

AYE: 3 - Ferrioli, George, Hannon, Shannon

NAY: 2 - Castillo, Yih

335	Chair Shannon	The motion CARRIES.
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337	Chair Shannon	Closes the work session and opens a work session on SB 907.
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SB 907 WORK SESSION

346	Palau	Presents (EXHIBIT J) and explains the provisions of SB 907 which requires that the retail installment contract for the sale of a motor vehicle include amounts paid by the seller, if any, to discharge security interest, lien or lease interest in trade-in motor vehicle.
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353	Darrel Fuller	Oregon Auto Dealers Association. Testifies in support of SB 907.Explains the provisions of the ñ2 amendments which eliminates the references to leasing.
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399	Sen. Hannon	MOTION: Moves to ADOPT SB 907-2 amendments dated 4/28/99.
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403	Chair Shannon	Hearing no objection, declares the motion CARRIED.
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410	Sen. Yih	Asks if there was any opposition to SB 907.
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412	Fuller	Responds that there was no opposition and that the Department of Justice assisted in drafting the amendments.
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425	Sen. Hannon	MOTION: Moves SB 907 to the floor with a DO PASS AS AMENDED recommendation.
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VOTE: 5-0

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

EXCUSED: 1 - George

Chair

The motion CARRIES.

SEN. YIH will lead discussion on the floor.

434 Chair Shannon Closes the work session and opens a work session on SB 860.

TAPE 78, B

SB 860 WORK SESSION

010 Sen. Hannon Recommends that SB 860 be sent to the Ways and Means committee.

019 Al Elkins Oregon Tow Truck Association. Testifies that SB 860 is necessary to resolve the issues and reach consensus.

039 Sen. Hannon **MOTION: Moves SB 860 to the floor WITHOUT RECOMMENDATION as to passage 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: 1 - George

Chair Shannon

The motion CARRIES.

064 Chair Shannon Closes the work session and opens a work session on SB 1281.

SB 1281 WORK SESSION

070 Palau Explains the provisions of SB 1281 which changes the registration periods and permissible uses of farm vehicles.

080	Don Schellenberg	Oregon Farm Bureau. Presents (EXHIBIT K) and testifies in support of SB 1281.
095	Debbie Scott	Farmer, La Grande, Oregon. Presents (EXHIBIT L) and testifies in support of SB 1281. Notes that some farm vehicles are only used in harvest and it would be a significant cost savings to register farm trucks on a monthly basis.
136	Scott	Notes that they cannot haul custom harvesting equipment on an farm plate.
151	Sen. Ferrioli	Asks how the witness would characterize the relationship with ODOT and enforcement personnel. Explains how vehicles are weighed during the wheat harvest.
176	Craig Scott	Farmer, La Grande, Oregon. Agrees that it sometimes seems more like harassment than enforcement.
184	Sen. Hannon	Asks Schellenberg about the section that allows vehicles to be leased in addition to owned or borrowed.
199	Shellenberg	Responds that the lease provisions refer only to farm vehicles. Reviews sections of SB 1281 referring to leasing.
241	Debbie Scott	Comments on current restrictions regarding the leasing of farm vehicles.
248	Sen. Castillo	Asks about the provision allowing an exception for the maximum of 75 feet.
259	Shellenberg	Presents (EXHIBIT M) and responds that the amendments remove that section of the bill. Explains other provisions of the amendments.
281	Bob McKellar	Oregon Forest Products Transportation Association. Testifies in support of SB 1281 and recommends that Section 2(7) on page 3, lines 4 through 9 of SB 1281 be restored.

329	Sen. Hannon	MOTION: Moves to ADOPT the amendments offered by Bob McKellar to SB 1281.
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Chair Shannon	Hearing no objection, declares the motion CARRIED.
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339	Sen. Hannon	MOTION: Moves to ADOPT SB 1281-1 amendments dated 4/27/99.
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Chair Shannon	Hearing no objection, declares the motion CARRIED.
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MOTION: Moves SB 1281 to the floor with a DO PASS AS AMENDED recommendation.

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

Chair Shannon

SEN. FERRIOLI will lead discussion on the floor.

Closes the work session and opens a work session on SB 855.

364 Palau

Explains the provisions of SB 855 which requires the Department of Transportation to post signs at highway construction and repair projects showing annual amount of moneys paid to private contractors for work on highway construction and repair projects. Presents (**EXHIBIT N**) and explains the provisions of the amendments which allows multiple display signs.

AK Media. Testifies in support of SB 855. Notes that the disagreements over the amendments can be worked out in the House.

014 Keith Claycomb

President, Oregon Roadside Council. Presents (**EXHIBIT O**) and testifies in opposition to SB 855.

Roadway Project Administration, ODOT. Presents **(EXHIBIT P)** and testifies in opposition to SB 855. Adds that the amendments make major changes to Oregon's outdoor advertising program.

Comments on signs near Fife, Washington, and whether statistics show an increase in accidents in the vicinity of these large signs. Asks if there are changes to the amendments that would make the bill acceptable to ODOT.

Responds that SB 855 would not benefit Oregon.

Notes that the tri-vision signs are in operation in 32 other states. Adds that the only requirement is to renegotiate the agreement with the Federal Highway Administration.

Comments that the time is not right for ODOT to be "holding hands" with the sign

industry due to court cases presently in the Oregon Supreme Court.

134	Chair Shannon	Asks if AK Media is the company that installed signs at Mill City.
138	Barrow	Responds that he is not sure and adds that SB 855 would not allow the large television signs.
144	Sen. Ferrioli	Asks what the term "hold hands" means.
148	Lightner	Responds that the meaning of "hold hands" was meant to convey the perception that ODOT agreed to the amendments.
166	Barrow	Adds that there was no intention to "blind side" ODOT.
179	Sen. Ferrioli	Comments that he is concerned about the relationship between the regulators and the regulated.
199	Chair Shannon	Closes the work session and adjourns the meeting at 5:26 p.m.

Submitted By, Reviewed By,

Gary Roulier, Megan Palau,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 687, amendments, staff, 5 pp

B ñ SB 757, amendments, staff, 1 p

C ñ SB 1301, written testimony, Lynn Peterson, 1 p

D ñ SB 1301, written testimony, Ross Williams, 1 p

E ñ SB 1301, written testimony, Doug Tindall, 1 p

F ñ SB 1301, report, Lynn Peterson, 40 pp

G ñ SB 1065, written testimony and reports, Dave Williams, 12 pp

H ñ SB 1065, written testimony and reports, Tim Ramis, 16 pp

I ñ SB 1065, amendments, staff, 1 p

J ñ SB 907, amendments, staff, 1 p

K ñ SB 1281, written testimony, Don Schellenberg, 2 pp

L ñ SB 1281, written testimony, Debbie Scott, 2 pp

M ñ SB 1281, amendments, staff, 2 pp

N ñ SB 855, amendments, staff, 21 pp

O ñ SB 855, written testimony, 1 p

P ñ SB 855, written testimony, 1 p