

SENATE COMMITTEE ON TRANSPORTATION

April 09, 1999 Hearing Room C

3:05 p.m. Tapes 53 - 54

MEMBERS PRESENT: Sen. Marylin Shannon, Chair

Sen. Susan Castillo

Sen. Joan Dukes

Sen. Ted Ferrioli

Sen. Gary George

MEMBER EXCUSED: Sen. Mae Yih, Vice-Chair

Sen. Lenn Hannon

STAFF PRESENT: Megan Palau, Administrator

Gary Roulier, Administrative Support

MEASURE/ISSUES HEARD: SB 1057 Public Hearing and Work Session

SB 1207 Public Hearing and Work Session

SB 1284 Pubic 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 53, A		
003	Chair Shannon	Opens meeting at 3:18 and opens public hearing on SB 1057.
<u>SB 1057 PUBLIC HEARING</u>		

009	Megan Palau	Explains the provisions of SB 1057 which permits a vehicle that is not a hazard or obstruction to be parked for 12 hours on a shoulder or highway.
013	Erin Thurber	Presents (EXHIBIT A) and testifies in support of SB 1057.
050	Thurber	Notes that the bill provides for a review of police discretion in ordering hazard tows (page 2 of the exhibit).
060	Chair Shannon	Asks about the appeal process.
063	Thurber	Responds that the Notice of Hearing contains the phrase "Arguments will not be considered in reaching a decision" (page 5 of the exhibit). Adds that this defeats the purpose of holding a hearing.
084	Thurber	Concludes that the bill does not diminish police ability in emergency situations (page 3 of the exhibit). Summarizes the tows in Marion County from 1996 to 1998 (page 4 of the exhibit).

107	Curt A. Cutis	Sergeant, Oregon State Police (OSP) Patrol Services Division. Explains a proposed amendment which further defines a hazard within the bill (page 6 of the exhibit). Presents (EXHIBIT B) and summarizes abandoned and hazardous vehicle tows by the Oregon State Police in 1997 and 1998. Concludes that the OSP supports the bill.
139	Thurber	Notes that only one reversal was credited to the Oregon State Police.
147	Sen. Castillo	Comments that the notice for a hearing includes the statement that "Arguments will not be considered in reaching a decision" (page 5 of the exhibit).
163	Chair Shannon	Closes the public hearing and opens a public hearing on SB 1284.

SB 1284 PUBLIC HEARING

172	Palau	Presents (EXHIBIT C) and explains the provisions of SB 1284 and the amendments which require the Oregon Department of Transportation to ensure that state highways are in 80 percent "fair or better" condition. Adds that SB 1284 also requires that any projects requested by members of the Congressional Delegation be given to the Senate President and Speaker of the House 60 days before it is given to the delegation.
203	Tom Lulay	Executive Deputy Director, Transportation Operations, Oregon Department of Transportation (ODOT). Presents (EXHIBIT D) and testifies that ODOT has not had an opportunity to complete an analysis of the amendments. Comments that

the bill may not comply with current federal law regarding the Statewide Transportation Improvement Program (STIP) process and could jeopardize the receipt of future federal funds.

- 241 Lulay Summarizes the requirements for ODOT to provide project descriptions to the legislature prior to sending them to members of the Congressional Delegation (page 2 of the exhibit). States that the amendments could have unexpected consequences for state and local governments.
- 267 Shannon Asks about the statement in the exhibit that ODOT is asked to provide a list of projects that are supported by state, local governments and communities (page 2 of the exhibits). Notes that legislators are not informed about requested projects that may affect their districts.
- 298 Lulay Responds that the goals can be achieved without legislation. Notes that SB 1284 could create conflicts between the federal and state legislatures.
- 312 Shannon Closes the public hearing and opens a work session on SB 1207.

SB 1207 WORK SESSION

- 327 Shannon Explains the provisions of SB 1207 which requires suspension, rather than revocation, of driving privileges following conviction for assault in second, third and fourth degree involving a motor vehicle. Recommends that the bill be referred to the Judiciary Committee.
- 331 Dukes Asks when the revocation periods start after a conviction. Discusses with the chair the provisions in Sections 2 and 3 of the bill.
- 368 Kelly Department of Transportation. Explains the provisions of SB 1207.
- 378 Dukes Asks if the hardship permits are a new issue.
- 382 Kelly Responds with examples under which revocation would be changed to suspension. Discusses with Dukes whether there are substantive changes on how revocations and suspensions are handled.
- 416 Shannon Asks if the intent is to correct unintended revocations.
- 420 Kelly Answers that the bill is an attempt to address how the 1995 bill was drafted.

011 Kelly Notes that the crimes addressed in the 1995 bill usually involve significant prison time. Explains that SB 1207 is addressing those cases where those on parole or probation were sanctioned retroactively.

054 Shannon Discusses with the committee whether SB 1207 should be referred to the Judiciary Committee.

066 Sen. Castillo **MOTION: Moves SB 1207 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Judiciary.**

VOTE: 5-0

EXCUSED: 2 - Yih, Hannon

Chair Hearing no objection, declares the motion CARRIED.

068 Shannon Closes the work session on SB 1207 and opens a public hearing on SB 1284.

SB 1284 PUBLIC HEARING

075 Lulay Continues that ODOT will need some clarification before commenting on the full effects of the proposed amendment to SB 1284.

086 David Barenberg League of Oregon Cities. Discusses the bill's effect on local government and notes that Section 1 will have major impacts on local transportation. Adds that the legislature uses the budget process to set policy direction for transportation and SB 1284 impacts the budget deliberations process and reduces the ability to meet transportation needs.

134 Susan Schneider City of Portland. Testifies that the SB 1284 amendments restrict the use of discretionary funds until the goals outlined in the bill are met which would delay projects. Notes that the process delineated in HB 2478 would be a better solution for setting policy direction.

168 George Asks how expenditures such as the trolley in Lake Oswego and the paving of the transit center in Beaverton are justified.

181 Barenberg Responds that he is not familiar with those specific projects.

188 Lulay Notes that the trolley project was an enhancement project using federal funds.

193	George	Comments that the problem is that the legislature does not know the source of the funds.
223	Shannon	Closes the public hearing on SB 1284 and opens a work session on SB 1284.

SB 1284 WORK SESSION

237	Sen. Ferrioli	MOTION: Moves to ADOPT SB 1284-1 amendments dated 4/8/99 (EXHIBIT C).
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	Chair Shannon	Hearing no objection, declares the motion CARRIED.
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248	Dukes	Asks about Section 4 and the statement that the Legislative Committee on Transportation may enter into any contracts necessary for the performance of its duties and functions. Asks why the bill has a subsequent referral to Ways and Means.
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279	Meg Reinhold	Senate Majority Office. Notes that the proposed amendment deletes the content of the original bill. Adds that the bill proposes changes in how ODOT will expend funds.
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282	Dukes	Notes that the bill is a substantive issue and addresses how funds are expended.
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296	Meg	Responds that similar bills addressing how funds are expended have been referred to Ways and Means.
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347	Dukes	Asks why the original bill was gutted.
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350	Chair Shannon	Explains that the amendment will allow the committee to have input in the transportation spending process.
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376	Sen. Ferrioli	MOTION: Moves SB 1284 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
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VOTE: 4-1

AYE: 4 - Dukes, Ferrioli, George, Shannon

NAY: 1 - Castillo

EXCUSED: 2 - Hannon, Yih

	Chair Shannon	The motion CARRIES.
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SEN. SHANNON will lead discussion on the floor.

384 Chair Shannon Closes the work session and opens a work session on SB 1057.

SB 1057 WORK SESSION

394 Sen. Castillo **MOTION: Moves SB 1057 to the floor with a DO PASS recommendation.**

VOTE: 5-0

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

EXCUSED: 2 - Hannon, Yih

Chair Shannon The motion CARRIES.

SEN. GEORGE will lead discussion on the floor.

405 Chair Shannon Closes the work session and adjourns the meeting at 4:16 p.m.

Submitted By, Reviewed By,

Gary Roulier, Megan Palau,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1057, written testimony, Erin Thurber, 6 pp

B ñ SB 1057, charts, Curt Curtis, 1 pp

C ñ SB 1284, amendments, staff, 1 pp

D ñ SB 1284, written testimony, Tom Lulay, 2 pp