

SENATE COMMITTEE ON TRANSPORTATION

May 13, 1999 Hearing Room C

6:00 p.m. Tapes 89 - 92

MEMBERS PRESENT: Sen. Marylin Shannon, Chair

Sen. Mae Yih, Vice-Chair

Sen. Susan Castillo

Sen. Ted Ferrioli

Sen. Gary George

MEMBER EXCUSED:

STAFF PRESENT: Megan Palau, Administrator

Gary Roulier, Administrative Support

MEASURE/ISSUES HEARD: HB 2440A Public Hearing

HB 2740A Public Hearing and Work Session

HB 2559 Public Hearing and Work Session

HB 2200A 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 89, A		
002	Chair Shannon	Opens the meeting at 6:07 p.m. and opens a public hearing on HB 2440A.
<u>HB 2440 A PUBLIC HEARING</u>		
013	Rep. Bob Montgomery	House District 56. Testifies in support of HB 2440A. Explains that the bill is a graduated licensing bill that only affects 16- and 17-year-old drivers.

130	Sen. Cliff Trow	Senate District 18. Testifies in support of HB 2440A. Reviews accident and fatality rates for young drivers.
055	Rep. Randall Edwards	House District 15. Testifies in support of HB 2440A. Explains the exemptions contained within the bill and emphasizes that these restrictions will result in concrete reductions in accidents involving young drivers.
088	Chair Shannon	Presents (EXHIBIT A) and outlines the provisions of a proposed amendment. Reviews accident statistics with driver's education courses.
106	Sen. George	Comments on the use of seat belts among young drivers.
133	Chair Shannon	Closes the public hearing on HB 2440A and opens a public hearing on HB 2740A.

HB 2740A PUBLIC HEARING

138	Megan Palau	Administrator. Explains the provisions of HB 2740A which limits the liability of persons engaged in a business that loans, rents, donates or otherwise makes available motor vehicles for use by other persons pursuant to a written agreement.
151	Darrell Fuller	Oregon Auto Dealer's Association. Presents (EXHIBIT B) and testifies in support of HB 2740A. Notes that the purpose of the legislation is to clarify that the insurance of a person renting a vehicle is primary coverage and the insurance of the business providing the vehicle is excess coverage.
189	Fuller	Explains that the second section of the bill deals with loaner vehicle coverage while a driver's vehicle is in a shop for maintenance. Adds that there is an exception when the dealer provides a loaner vehicle that is defective in some way.
207	Sen. Castillo	Asks about the exception regarding a defective vehicle and how coverage would apply.
214	Fuller	Responds that the rental company coverage would apply only in the case where the rental company was negligent.
221	Sen. Yih	Asks for the vote in the House and reasons for opposition. Asks if there was any opposition within the House committee.
225	Fuller	Responds that there were 3 no votes on the floor and one no vote within the committee. Adds that there were no reasons given for the opposition.

243	Sen. Yih	Asks if the driver's insurance would be primary.
248	Fuller	Answers that under any circumstance the driver's insurance would be primary if the driver had rental car coverage.
261	Sen. Yih	Asks if it is standard to have rental car coverage.
270	Fuller	Responds that it depends on the policy but rental car coverage is standard on most comprehensive policies.
276	Chair Shannon	Closes the public hearing and opens a work session on HB 2740A.

HB 2740A WORK SESSION

278	Sen. Castillo	Declares a potential conflict of interest because her husband owns an advertising agency that occasionally does advertising for car dealers.
280	Sen. Ferrioli	MOTION: Moves HB 2740A to the floor with a DO PASS recommendation.

VOTE: 5-0

Chair Shannon	Hearing no objection, declares the motion CARRIED.
	SEN. FERRIOLI will lead discussion on the floor.

302	Chair Shannon	Closes the work session and opens a public hearing on HB 2559.
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HB 2559 PUBLIC HEARING

308	Palau	Explains the provisions of HB 2559 which authorizes the use of vehicle immobilization devices in addition to the boot.
310	Kate Richardson	Legislative Aide, Rep. Lane Shetterly, House District 34. Testifies in support of HB 2559. Explains that the bill allows smaller jurisdictions to use alternate means to immobilize vehicles.
338	Chair Shannon	Closes the public hearing and opens a work session on HB 2559.

HB 2559 WORK SESSION

340 Sen. George **MOTION: Moves HB 2559 to the floor with a DO PASS recommendation.**

VOTE: 5-0

Chair Shannon Hearing no objection, declares the motion CARRIED.

SEN. GEORGE will lead discussion on the floor.

352 Chair Shannon Closes the work session and opens a public hearing on HB 2440A.

HB 2440A PUBLIC HEARING

357 Ted Farr Oregon Fire Medical Administrators and Oregon State Ambulance Association. Presents (**EXHIBIT C**) and testifies in support of HB 2440A. Emphasizes that motor vehicle crashes are the leading cause of death for Oregon teenagers.

411 Chair Shannon Presents (**EXHIBIT D**) and notes for the record that the Oregon State Police support HB 2440A.

TAPE 90, A

007 Renee Christenson Citizen, Linn County. Testifies in support of HB 2440A. Relates the details of a fatal motor vehicle accident involving her son. Describes the funerals and the effect on the town of Lebanon.

059 Christenson Remarks that her husband is not able to testify because of the emotional trauma. Notes that her hope is to spare one family from this kind of grief.

078 Susan Moore Citizen, Linn County. Relates the facts of a fatal accident involving her son. Adds that she feels that if HB 2440A was law at the time the accident occurred it could have been avoided.

121 Moore Reviews fatal accidents in Oregon involving young drivers in 1988.

133 Sen. Yih Asks what time of the day the accidents occurred.

137 Moore Responds that the accident occurred at approximately 11:30 p.m.

139 Christenson Adds that her son was killed at 10:50 p.m.

143	Sen. Yih	Asks if witnesses feel the limitations on driving between 12:00 a.m. and 5:00 a.m. should be even more restrictive.
150	Christenson	Answers that she does not feel that inexperienced drivers should be operating a vehicle after sunset.
157	Moore	Adds that many teenagers work at fast food restaurants but feels that 11:00 p.m. would be an acceptable limit.
165	Sen. Yih	Comments that the time restriction should be 9:00 p.m.
174	Chair Shannon	Asks if the bill would have prevented the accident involving their sons with the restrictions contained within the bill.
180	Christenson	Answers that the accident occurred within one month of the young driver receiving his license. Discusses the restrictions with the Chair.
196	Ashley Graves	Citizen, Linn County. Testifies in support of HB 2440A and details the fatal accident involving her older brother.
227	Janet Gambee	Citizen, Junction City. Presents (EXHIBIT E) and testifies in support of HB 2440A. Notes that the bill will save lives and prevent countless sorrow and regret.
266	Gambee	Summarizes problems with teenagers and driving.
318	Gambee	Notes that the parking areas at high schools for the students are larger than the lots for the teachers.
363	Gambee	Relates that her son died from "accidental suicide" which is a form a reckless driving.

TAPE 89, B

004	Colin Elliott	Student, Junction City. Testifies in support of HB 2440A and outlines sections of the bill that would affect him personally. Summarizes articles in his school newspaper regarding graduated licensing.
049	Elliott	Relates statistics of young drivers involved in fatal accidents.
088	Sen. Yih	Asks if the restriction should be moved from 12:00 a.m. to 9:00 p.m. Adds that the twilight hours can be hazardous, particularly during bad weather.

098	Elliott	Responds that the fatal accidents referred to in the testimony occurred due to falling asleep at the wheel. Adds that the major benefit of the law is to require experience for young drivers.
118	Gambee	Agrees that an earlier curfew would be beneficial. Notes that most teenagers working late are working to pay for a car or insurance.
136	Lisa Millet	Manager, Child Fatality and Injury Prevention, Oregon Health Division. Presents (EXHIBIT F) and testifies in support of HB 2440A. Reviews the statistical results of graduated driver licensing in other states and countries (page 2 of the exhibit).
186	Mike Sherlock	Oregon Traffic Safety Education Association. Presents (EXHIBIT G) and testifies in support of HB 2440A. Notes that a recent poll of Oregon Automobile Association members indicated that 87 percent support the graduated driver's license.
230	Sherlock	Discusses the proposed six amendments and explains the provisions which move the development of the driver's education curriculum from the Department of Education to the Oregon Department of Transportation (ODOT).
265	Chair Shannon	Asks about the switch of terminology from driver's education to traffic safety education.
270	Tim Duerfelet	Oregon Traffic Safety Education Association. Answers that it is a national trend that driver education is not just driver safety, but includes pedestrian awareness and many other safety issues.
277	Randy Pellegrini	Citizen, Linn County. Presents (EXHIBIT H) and testifies in support of HB 2440A. Comments that the two major problems with young drivers are immaturity and inexperience. Reviews statistics on nighttime crashes involving 16- and 17-year-old drivers.
326	Sen. Yih	Asks who prepared the statistics contained in the exhibit.
334	Pellegrini	Responds that the information was prepared by the Insurance Institute for Highway Safety.
341	Chair Shannon	Asks for an explanation of the percent reduction in crash involvement for 16-year-old drivers during curfew hours (page 5 of the exhibit).
345	Pellegrini	Responds that the graph demonstrates significant reductions in crashes in states with nighttime driving restrictions (page 2 of the exhibit).

352	Sen. Castillo	Asks about discussions in the House on extending the restricted driving hours.
361	Sherlock	Answers that the issue was discussed and the concerns were about the infringement on freedom.
371	Duerfelet	Adds that there was also a concern about adding another curfew.
389	Chair Shannon	Asks about the significant reductions in crashes in Pennsylvania and whether the restriction began at 9:00 p.m.
393	Pellegrini	Responds that he does not know.
412	Sen. Ferrioli	Asks if discussions in the House addressed rural issues, particularly with young drivers operating farm vehicles.

TAPE 90, B

007	Sherlock	Answers that there was discussion and the exception for driving to and from work would cover those instances.
018	Sen. Ferrioli	Comments on the low population density in his district and possible problems with limiting young drivers. Notes that teenage driving in his district is not an option but a necessity.
054	Sherlock	Responds that initial and subsequent discussions regarding the bill included a number of rural representatives. Reiterates that the restrictions in HB 2440A are time-specific and prevent inexperienced drivers from carrying passengers other than family members.
080	Kelly Taylor	Oregon Department of Transportation (ODOT). Presents (EXHIBIT I) and testifies in support of HB 2440A. Details the requirements for a young driver to obtain a license contained within the bill.
109	Sen. Castillo	Asks how the Department of Motor Vehicles (DMV) will know that the requirements have been met.
110	Taylor	Answers that it will be certified with the parents at the time of application. Summarizes the restrictions in HB 2440A.
131	Troy Costales	Manager, Transportation Safety Division, ODOT. Presents (EXHIBIT J) and testifies in support of HB 2440A. Notes that the bill will have a major impact on reducing the fatality rate among the passengers of young drivers. Adds that the National Transportation Safety Board supports HB 2440A.

169	Chair Shannon	States that she will want ODOT's opinion on the proposed amendments once they have a chance to study the provisions.
177	Dr. John Tongue	Chair, Oregon Transportation Safety Committee. Testifies in support of HB 2440A. Comments that the death rate for young drivers is 10 times higher in rural areas than in the Willamette Valley.
243	Tongue	Suggests changes in HB 2440 to make the restrictions referring to "20- year old" to "25." Discusses the proposed changes with the Chair.
269	Taylor	Comments on the amendments that move the development of the driver education curriculum to ODOT. States that ODOT licenses the contractors the school districts hire for the driver education courses and stresses that this addresses many of the concerns expressed by the Department of Education.
318	Sen. Ferrioli	Asks about the statement that the accident rate in rural areas is 10 times higher than urban areas.
325	Tongue	Answers that the figures are from a study done by the Neurosurgical Department at the Oregon Health Sciences University. Notes that the implementation of the seat belt law targeted rural law enforcement agencies for that reason.
345	Sen. Ferrioli	Asks if there was a corresponding decrease in the fatality rates after implementation of the seat belt law.
	Tongue	Answers that there was a significant reduction in fatalities but is not aware of the split of urban versus rural.
363	Sen. Ferrioli	Asks if the source of the funding will change if the development of the curriculum moves to ODOT.
380	Costales	Answers that there is a shift involved and discusses the possible uses of both federal funds and the increased licensing fees going to the schools for driver education programs.

TAPE 91, A

009	Sen. Ferrioli	Asks for the source of the increased funding for the driver education programs.
011	Taylor	Notes there is a bill increasing the surcharge on the initial driver license and renewals. Adds that it was just voted out of the House Committee on Transportation and is going to the floor.
015	Sen. George	Comments on the restrictions mandated for student pilots.

031	Sen. Castillo	Asks about winter recreation parking permits and how that relates to the graduated driver license program.
034	Taylor	Responds that simply refers to a statute where all the funds are mentioned.
040	Sen. Ferrioli	Expresses his appreciation to all the witnesses and comments on his support for HB 2440A.
070	Sen. Yih	Suggests the committee prepare an amendment moving the restriction up to 9:00 p.m. and increasing the allowable age of passengers to 25.
080	Chair Shannon	Closes the public hearing and opens a public hearing on HB 2200A.

HB 2200A PUBLIC HEARING

098	Charles Wiper	Owner, Willamette Pass Ski Corporation. Presents (EXHIBIT K) and testifies that he is neutral on HB 2200A due to concerns with ODOT.
139	Wiper	Explains suggested amendments to HB 2200A (page 1 of the exhibit). Summarizes an ongoing conflict with ODOT regarding the plowing of his parking area. Discusses the conflict with Chair Shannon.
181	Wiper	Notes that ODOT resources are scarce and questions ODOT ability to administer the funds within the Sno-Park fund.
230	Wiper	Concludes that ODOT requires oversight.
238	Chair Shannon	Asks what the amendments accomplish.
242	Wiper	Responds that the statutes require consultation with the Winter Recreation Advisory Committee (WRAC) to add a contractor but a contractor can be terminated without consultation.
263	Sen. Ferrioli	Asks how close the Sno-Park is to the ski area and if the parking area is kept plowed throughout the snow season.
271	Wiper	Notes that the areas are contiguous and the parking area must be plowed continuously. Adds that there is a disparity between what he is being charged by ODOT and the amount reimbursed to the ski area contractors for plowing.
316	Sen. Ferrioli	Asks if there was any ongoing dispute or other indication of dissatisfaction with services.
325	Wiper	Responds that there have been some issues around the availability of parking lots. Reviews ODOT budget meetings regarding the Sno-Park program.

369 Wiper Continues a discussion of ODOT budget issues with the Sno-Park program.

413 Wiper Stresses that his ski area is a net provider to the Sno-Park program.

TAPE 92, A

012 Wiper Notes that last winter was the biggest for his ski area and there is no dispute over the current contract. Notes that he does not support raising fees if there are no provisions for oversight.

051 Chair Shannon Presents (**EXHIBIT L**) and reviews proposed caps for plowing services in 1997. Asks why the contract amounts were decreased to such a great extent for Willamette Pass.

065 Wiper Answers that he does not know. Notes that his testimony is provided merely as background for HB 2200A.

096 Chair Shannon Asks how he knows what it costs ODOT to plow.

101 Wiper Responds that the WRAC was told in a meeting that the costs were \$300 per hour.

119 Sen. Castillo Asks who sits on the WRAC.

124 Wiper Responds that the members are appointed by the Governor and outlines the membership.

150 Sen. George Comments that there is a belief that ODOT has a cost accounting system in place.

156 Wiper Answers that ODOT is not able to detail costs and they do not share the information they do have.

179 Sen. George Asks if the witness has ever seen a line-by-line item budget that details costs.

183 Wiper Responds with an explanation of information provided by ODOT and notes that he is not able to reconcile the information provided with the actual costs incurred at Willamette Pass Ski Area.

201 Sen. George Asks if he is required to detail information when he submits a bill to ODOT.

206 Wiper Answers that he is required to submit detailed information.

229	Chair Shannon	Asks how much is still owned by ODOT.
234	Wiper	Responds that ODOT still owes him \$7,192.
255	Doug Tindall	Maintenance Engineer, ODOT. Presents (EXHIBIT M) and notes that snow removal is one of his responsibilities. Explains the provisions of HB 2200A.
286	Chair Shannon	Asks about the proposed caps for reimbursement of snow removal services in 1997 which reduced the amount available to Willamette Pass.
290	Tindall	Answers that although caps were set there was a provision within the contract that allowed the cap to be exceeded with written authorization.
316	Sen. Ferrioli	Asks why there is a dispute when the cap could be exceeded.
320	Tindall	Responds that ODOT was instructed by the Attorney General's (AG) office to apply a cap to each of the contracts. Adds that no contract was signed with Willamette Pass and ODOT was not able to pay for services provided outside of the contract. Explains that the funds paid to Willamette Pass recently were reimbursement for costs incurred prior to cancellation of the contract.
349	Sen. Ferrioli	Asks if they were instructed to cancel the contract by the Attorney General's office. Discusses audit status with the Sno-Park program with Tindall.
364	Tindall	Answers that there was consultation with the AG but is not sure that there were specific instructions to cancel the contract. Adds that audits were performed but he is not sure it was performed by the AG.
378	Sen. Ferrioli	Notes he would be interested to learn why the withdrawal from the contract was made.
387	Tindall	Answers that the issue was that ODOT did not have an equipment rate structure that was acceptable for reimbursement from the federal government. Notes that the rates for snow-blowing equipment in 1997 were determined to be too high. Explains the steps taken to resolve the issue.

TAPE 91, B

012	Sen. Ferrioli	Remarks that the reimbursement must have been made from some other fund. Adds that he would like the Audits division to inspect the documents dealing with the transfers of funds.
018	Tindall	Responds that the source of funds was the highway funds. Remarks that one-third

of the cost for snow removal at the Sno-Parks is contracted out.

042	Chair Shannon	Asks if ODOT informed Willamette Pass that they would no longer be able to pay them for snow removal without a contract.
048	Tindall	Answers that the last letter written to Willamette Pass by ODOT indicated that payments would not be made without a contract.
052	Sen. George	Asks if any other Sno-Park operator was without a contract.
054	Tindall	Responds that every other Sno-Park operator signed the contract.
057	Sen. George	Comments that he wants to see copies of the communications.
061	Tindall	Adds that the contract was terminated but is not sure there is documentation that specifically directs ODOT to terminate the contract. Adds that ODOT did assist in snow removal in the lot after the contract was terminated.
077	Sen. George	Asks if Mr. Wiper was informed that no payments would be made.
079	Tindall	Answers that the last letter informed Mr. Wiper that the contract would be terminated and that no further payments would be made.
083	Chair Shannon	Comments that he was paid since he just received a check from ODOT.
085	Tindall	Reiterates that money was for services completed prior to the termination of the contract.
087	Sen. Ferrioli	Comments that this is an example of a bureaucratic relationship.
097	Tindall	Explains that the contract was cancelled under his authority.
101	Sen. Ferrioli	Remarks that this is not the way that a private contractual relationship would be handled.
108	Sen. George	Asks for written documentation.
112	Chair Shannon	Comments that it was unreasonable for ODOT to expect Willamette Pass to continue to plow the Sno-Park without reimbursement.

119	Sen. Ferrioli	Asks if the concept is that ODOT was paying Willamette Pass to pave their own parking lot.
124	Tindall	Responds that is correct.
128	Sen. Ferrioli	Asks how the caps were set.
131	Tindall	Answers that the caps were set based on past costs and the expected impact of weather in that area.
138	Sen. Castillo	Asks if these lots are owned by the ski area.
140	Tindall	Answers that most of the lots are owned by the forest service and the ski areas have permits to operate on the land.
144	Sen. Castillo	Asks if the state plows the areas for a fee.
149	Tindall	Responds that any land owner can apply to be designated a Sno-Park. Adds that the costs for snow removal would then come from the Sno-Park fund.
153	Sen. Ferrioli	Comments that the Sno-Parks service recreational activities in addition to skiing. Asks if the contract was in force when the contract was capped.
171	Tindall	Reiterates that the contract included provisions to exceed the cap upon written request.
177	Chair Shannon	Comments that the contract was offered with the proviso that if the caps are exceed, the additional amount will be reimbursed.
187	Tindall	Remarks that the contract was sent to Willamette Ski Pass in September, 1997. Adds that the next communication ODOT received was from an attorney in November, 1997. Notes that the question was about a cap and not about the amount.
191	Sen. Ferrioli	Remarks that there was probably no opportunity to negotiate a higher cap.
199	Tindall	Answers that there was never an offer made for a higher cap by Willamette Pass. Adds that the communication was that they would not accept a cap.
212	Shirley Benson	Oregon State Snowmobile Association. Testifies in support of HB 2200A. Notes that the recent severe weather warrants an increase in the fees.
249	David Povey	Member, Winter Recreation Advisory Committee. Presents (EXHIBIT N) and testifies in support of HB 2200A. Summarizes the importance of winter recreation to the economy of Oregon.

302	Povey	Notes that the WRAC unanimously supports finding a resolution for the Willamette Pass Ski area.
320	Chair Shannon	Asks how much the Willamette Ski area collected in Sno-Park fees.
334	Wiper	Responds that they collected \$45,000 in Sno-Park fees. Adds that the present contract is acceptable and his cap is now at \$57,000.
354	Wiper	Remarks that much of the dialogue regarding caps for reimbursement were by telephone and are not documented.
381	Chair Shannon	Closes the public hearing and adjourns the meeting at 9:17 p.m.

Submitted By, Reviewed By,

Gary Roulier, Megan Palau,
Administrative Support Administrator

EXHIBIT SUMMARY

- A ñ HB 2440A, amendments, staff, 12 pp**
- B ñ HB 2740A, written testimony, Darrell Fuller, 2 pp**
- C ñ HB 2440A, written testimony, Ted Farr, 2 pp**
- D ñ HB 2440, letter submitted prior to meeting, staff, 2 pp**
- E ñ HB 2440, written tesimony, Jan Gambee, 2 pp**
- F ñ HB 2440A, written tesimony, Lisa Millet, 3 pp**
- G ñ HB 2440A. written testimony, Mike Sherlock, 1 p**
- H ñ HB 2440A, written testimony and charts, Randy Pellegrini, 7 pp**
- I ñ HB 2440A, written testimony, Kelly Taylor, 1 p**
- J ñ HB 2440A, charts, Troy Costales, 3 pp**

K ñ HB 2200A, written testimony, Charles Wiper, 2 pp

L ñ HB 2200A, spreadsheets, staff, 2 pp

M ñ HB 2200A, written testimony, Doug Tindall, 1 p

N ñ HB 2200A, written testimony, David Povey, 1 p