SENATE COMMITTEE ON TRANSPORTATION

May 21, 1999 Hearing Room B

2:00 p.m. Tapes 98 - 101

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 3530A Public Hearing and Work Session

HB 3085A Public Hearing and Work Session

SB 1324 Public Hearing and Work Session HB 2680A Public Hearing and Work Session HB 2491A Public Hearing and Work Session HB 2203A Public Hearing and Work Session HB 2198A 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 98, A			
002	Chair Shannon	Opens the meeting at 2:19 p.m. and opens a public hearing on HB 3530A.	
<u>HB 3530A I</u>	HB 3530A PUBLIC HEARING		
004	Megan Palau	Administrator. Explains the provisions of HB 3530A which creates the offense of improperly disposing of human waste. Presents (EXHIBIT A) and explains the provisions of the amendments.	
026	Sen. Castillo	Asks for the fiscal impact of the proposed amendments requiring that signage be posted.	
028	Palau	Answers that there was no time to prepare a fiscal impact.	
037	Doug Tindall	Maintenance Engineer, Oregon Department of Transportation (ODOT). Testifies in support of HB 3530A.	
055	Chair Shannon	Asks if a mother disposing of a dirty diaper from a vehicle would lose her license under the provisions of the bill.	

056	Tindall	Responds that is correct as the bill refers to all human waste.
067	Sen. George	Comments that the penalties should apply to any person disposing of human waste from a vehicle.
070	Tindall	Responds that the littering laws have not been effective in curtailing this activity and it puts ODOT employees in a "disgusting" situation.
074	Sen. George	Comments that truck drivers are pushing the limit and donit stop to dispose of waste. Asks if the drivers are able to log a rest stop.
084	Tindall	Answers that he is not aware of the specific trucking regulations and states that ODOT is not certain that only truckers are creating this problem.
094	Chair Shannon	Closes the public hearing and opens a public hearing on HB 3085A.

HB 3085A PUBLIC HEARING

105	Palau	Explains the provisions of HB 3085 which authorizes cities to operate photo radar systems. Explains the proposed amendments which mandate that photo radar may only be used in specified cities.
112	Rep. Rob Patridge	House District 50. Presents (EXHIBIT C) and testifies in support of HB 3085A. Notes that photo radar is a valuable deterrent to speeding, particularly in critical areas such as neighborhoods and school zones.
142	Patridge	Concludes that HB 3085A would save precious police resources.
155	Sen. Castillo	Asks if the witness has studied the proposed amendments.
158	Patridge	Responds that he would prefer that all Oregon cities be allowed to participate but understands the politics involved.
183	Captain Patrick Nelson	City of Portland Police Bureau Traffic Division. Presents (EXHIBIT D) and testifies in support of HB 3085A. Summarizes the reduction in speeding violations using photo radar.
227	Nelson	Outlines photo radar installations that have reduced speeding violations by 86 percent. Reviews a study from the University of Arizona (page 5 of the exhibit).
260	Sen. Yih	Asks why the deployment is limited to 4 hours per day and whether the time limits will be extended.
267	Nelson	Responds that the statutory limit is 4 hours a day and will remain at that limit.
276	Patridge	Agrees that the proposed amendments limit deployment to 4 hours a day and also include the requirement for signage. Notes that deployment will vary based on police department needs for traffic enforcement.
320	Patridge	Notes that people are commuting to work at the same time that children are going to school and photo radar can function to "calm" the traffic.
342	Sen. Ferrioli	Asks if there is a technological mechanism to defeat photo radar.
347	Nelson	Responds that there is nothing that law enforcement is aware of that defeats the system.

364Rep. Max WilliamsHouse District 9. Testifies in support of HB 3085A. Notes that Tigard has
experienced significant growth in traffic and would like the option of considering
photo radar as one tool to decrease traffic problems.

404	Sen. Yih	Asks if this will be limited to certain cities.
406	Patridge	Responds that the bill in its current form allows any city to utilize photo radar.
TAPE 99, A		
004	David Barenberg	League of Oregon Cities. Testifies in support of HB 3085A. Notes that cities would like the option of using photo radar.
024	Sen. Ferrioli	Asks if this bill would bypass the local authority of city governments.
030	Patridge	Responds that this will allow cities to debate the issues because the use of photo radar is presently prohibited by statute.
038	Williams	Adds that the budget process would insure that meaningful debate will take place.
054	Sen. Ferrioli	Comments that the use of photo radar could be a net revenue stream for the cities. Asks if the bill mandates cities to debate the use of photo radar, particularly with civil liberty concerns.
066	Patridge	Answers that there is nothing in the bill that requires debate on those issues. Adds that the use of photo radar would require local debate because of impacts on the budget.
075	Sen. Ferrioli	Remarks that he hopes that these debates take place.
080	Barenberg	Comments that the bill requires the presence of a police officer. Adds that the limitation on hours of deployment also decreases the opportunity for a city to treat photo radar as a "cash cow."
100	Chair Shannon	Closes the public hearing and opens a public hearing on HB 3530A.
<u>HB 3530A PI</u>	UBLIC HEARING	
115	Chair Shannon	Asks if the bill would give Oregon the authority to remove a commercial license of an out-state-driver.
123	Tindall	Responds that a suspension in one state is also effective in other states.
142	Chair Shannon	Discusses the ñ4 amendments with the committee. Notes that the fine is \$2,500 which seems excessive. Discusses the requirement for signage by ODOT.
180	Tindall	Notes that the value is that the public will be informed that this activity is not allowed in Oregon.

191	Chair Shannon	Discusses the value of signage for informing out-of-state drivers of the offense.
211	Sen. Ferrioli	Asks about printing a warning on Public Utility Commission (PUC) forms.
221	Tindall	Responds that those particular forms are provided by ODOT and it would be an appropriate place to post notification.
229	Sen. Castillo	Comments that posting should not be necessary since this activity is not acceptable.
254	Sen. George	Notes that ODOT could post signs at the weigh stations.
267	Tindall	Agrees that would be an appropriate posting.
272	Chair Shannon	Closes the public hearing and opens a work session on HB 3530A.
HB 3530A V	ORK SESSION	
277	Sen. George	MOTION: Moves to ADOPT HB 3530-4 amendments dated 5/20/99 (EXHIBIT A).
	Sen. George	dated 5/20/99 (EXHIBIT A).
277	Sen. George Chair Shannon	dated 5/20/99 (EXHIBIT A). Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3530A to the floor with a DO PASS
277	Sen. George Chair Shannon	dated 5/20/99 (EXHIBIT A). Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3530A to the floor with a DO PASS AS AMENDED recommendation.
277	Sen. George Chair Shannon	dated 5/20/99 (EXHIBIT A). Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3530A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-1
277	Sen. George Chair Shannon Sen. George	dated 5/20/99 (EXHIBIT A). Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3530A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-1 AYE: 4 - Ferrioli, George, Yih, Shannon NAY: 1 - Castillo
277	Sen. George Chair Shannon	dated 5/20/99 (EXHIBIT A). Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3530A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-1 AYE: 4 - Ferrioli, George, Yih, Shannon NAY: 1 - Castillo The motion CARRIES.
277	Sen. George Chair Shannon Sen. George	dated 5/20/99 (EXHIBIT A). Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3530A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-1 AYE: 4 - Ferrioli, George, Yih, Shannon NAY: 1 - Castillo

SB 1324 PUBLIC HEARING

347	Palau	Explains the provisions of SB 1324 which requires counties and cities to report to the Legislative Assembly on expenditures from share of certain state tax revenues. Presents (EXHIBIT E) which exempts cities of less than 5,000 of population from the requirement.
358	Chair Shannon	Notes that the cities and counties receive a large percentage of transportation funds within the state.
370	Palau	Explains that an audit found commingling of funds from different sources.
379	Chair Shannon	Adds that the funds that go to school districts for transportation are separately accounted for, and SB 1324 requires cities and counties to also account for the funds separately.
389	Bill Penhollow	Association of Oregon counties. Presents (EXHIBIT F) and testifies in opposition to SB 1324. Clarifies that each city and county is required by statute to use a cost accounting system.
TAPE 98, B		
002	Penhollow	Notes that the bill requires an annual report to the legislative assembly; directs the Association of Oregon Counties and the Association of Oregon Cities to report to the Legislature; and requires each city and county to establish an accounting system that accounts for state highway funds separate from other funds.
046	Penhollow	Summarizes the accounting for federal forest funds and notes that the courts have been strict in limiting road funds to road purposes (page 2 of the exhibit). Outlines findings of an ODOT audit regarding the commingling of funds (page 12 of the exhibit).
088	Penhollow	Comments that there will be a significant fiscal impact on the cities and counties to develop a separate accounting system.
099	Sen. George	States that the accounting should not be that difficult and would simply require the setting up of one additional account.
123	Penhollow	Remarks that provisions of the bill require the establishment of two funds used for a single purpose.
143	Sen. Ferrioli	Asks about the witness statement that the statutes "compel" commingling.
149	Penhollow	Responds that ORS 294.060 directs counties to deposit the federal forest funds into the county road fund. Discusses the practice of commingling of funds with Sen. Ferrioli.
180	Sen. Ferrioli	Asks if numbered accounts are used within the county budget system.

185	Penhollow	Responds that numbered accounts are common. Adds that the various revenues are considered a single account and disbursed to numbered expenditure accounts. Continues with a discussion of county budget systems.
199	Sen. Ferrioli	Asks if counties normally have multiple sources of funds and whether they are accounted for separately.
211	Penhollow	Answers that grant monies and federal funds are received by the counties and accounted for separately. Emphasizes that these funds are normally used for a single purpose.
234	Bob Thomas	Support Services Manager, Multnomah County. Presents (EXHIBIT G) and testifies in opposition to SB 1324. Adds that the major question for a county road official would be to decide which expenditures would be billed to the state or county account when the purposes are identical.
280	Thomas	Notes that one method of complying with the provisions of SB 1324 would be to split expenditures according to the percentage between State Tax Road funding and All Other Sources funding.
323	Chair Shannon	Asks how the auditors would determine where the state funds are expended.
329	Thomas	Responds that there is no problem with the commingling of funds as long as the auditors find no problems with the disbursement of the funds.
342	Chair Shannon	Asks why the county would not just make a decision to make certain disbursements from the federal, state, and other funds if there is a particular cost for a road project.
356	Penhollow	Answers that the source of funds would be easy to track in a construction project, but it is more difficult to account for sources of funds in maintenance and preservation operations.
389	Chair Shannon	Asks why the county is not able to account for funds separately.
399	Penhollow	Responds that the counties do not segregate the different fund sources into multiple funds.

TAPE 99, B

001	Sen. Ferrioli	Asks how many funds are administered by Multnomah County and why it would
		be so expensive to add another source for funds.

003	Thomas	Responds that it would be expensive. Notes that the problem originates from the necessity to segregate the source of funds into each of the program areas for disbursement, thus doubling the number of entries.
032	Sen. Ferrioli	Emphasizes that the benefit of the additional accounting information is to ensure that funds are expended in compliance with the statutes.
046	Barenberg	Explains the term "commingling" and how the cities disburse funds dedicated to roads. Notes that the counties and cities can demonstrate that local entities are spending the funds on roads.
091	Sen. Ferrioli	Asks if the aggregation of funds is the problem.
093	Barenberg	Responds that funds are being aggregated but reiterates that the funds are being used for the constitutionally prescribed purpose.
103	Sen. George	Comments on the accounting system in Yamhill County. Adds that he does not believe that meeting the requirements of this bill would be a burden on the cities and counties.
127	Sen. Castillo	Responds that the fiscal impact on the counties and the cities could be significant
140	Roy Burns	Lane County Public Works. Testifies that the Lane County Public Works Fiscal Administrator estimates that the initial set-up would cost approximately \$20,000, and \$12,000 per year thereafter to administer.
162	Sen. George	Notes that the cities and counties receive a considerable amount of money from the state.
177	Barenberg	States that there is a concern with mandating the smaller cities to developing a system to report on the disbursement of funds. Adds that any change should be initiated at the beginning at the fiscal year.
229	Sen. Ferrioli	Reviews an ODOT audit and two instances where there was improper use of commingled funds.
273	Penhollow	Agrees that the audit raises valid issues and agrees that the cities and counties do have a responsibility to report to the legislature. Reiterates that the funds are properly disbursed.
316	Sen. Castillo	Notes that the auditor recommends that the commingling be recognized as a sound business practice.
323	Sen. Ferrioli	Agrees that commingling is not the problem. Adds that the problem is with the chart of accounts.
342	Sen. Castillo	Expresses concern about the cost involved as it is an unfunded mandate by the

legislature.

366	Sen. Ferrioli	Remarks that the additional administration costs for cities and counties would be an acceptable expenditure for gas tax funds.
374	Sen. George	Comments that citizens want to know where the gas tax revenues are being spent.
389	Sen. Castillo	Emphasizes that the audit did not find that the cities and counties were misusing highway funds.
406	Chair Shannon	Remarks that auditors are unable to determine where the gas tax funds were spent because of shortcomings in the accounting systems.
TAPE 100, A		
006	Chair Shannon	Declares a recess at 3:58 p.m. Reopens the meeting at 4:12 p.m.
015	Chair Shannon	Suggests that the ñ1 amendments be accepted, and page 1, line 24 of SB 1324 be changed to read "For the purposes of subsection (2) of this section, each county shall account for moneys paid to." Asks if this change would lower the anticipated expense for the counties.
030	Thomas	Responds that this change would decrease the expense for the counties and cities.
038	Chair Shannon	Continues with suggested changes to SB 1324 and recommends that the bill reflect a starting date beginning on or after July 1, 2000.
088	Chair Shannon	Closes the public hearing and opens a work session on SB 1324.
<u>SB 1324 WOF</u>	<u>RK SESSION</u>	
099	Sen. Ferrioli	MOTION: Moves to SUSPEND the rules for the purpose of ACCEPTING a conceptual amendment.
	Chair Shannon	Hearing no objection, declares the motion CARRIED.
106	Sen. Ferrioli	MOTION: Moves to ADOPT SB 1324-1 amendments dated 5/21/99 (EXHIBIT E) and that the measure be FURTHER AMENDED on page 1, line 2, by inserting "creating new provisions; and" after ";"; and on page 1, line 24, by deleting the rest of the line after "(4)" and inserting "For the purposes of subsection (2) of this section, each county

		shall account for moneys paid to the"; and on page 2, line 15, delete the rest of the line after "(4)" and insert "For the purposes of subsection (2) of this section, each city shall account for moneys paid to the"; and on page 2, after line 16, insert "SECTION 3. The first report required by the amendments to ORS 366.542 and 366.790 by sections 1 and 2 of this 1999 Act shall be made on or after July 1, 2000."
137	Sen. Ferrioli	MOTION: Moves SB 1324 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Yih
	Chain Shannan	The motion CARRIES.
	Chair Shannon	SEN. FERRIOLI will lead discussion on the floor.
		SEN. FERRIOLI will lead discussion on the hoor.
145	Chair Shannon	Closes the work session and opens a work session on HB 2680A.
<u>HB 2680A W</u>	ORK SESSION	
150	Palau	Presents (EXHIBIT H) which replaces the provisions of HB 2680A.
169	Sen. George	MOTION: Moves to ADOPT HB 2680A-3 amendments dated 5/21/99 (EXHIBIT H).
	Chair Shannon	Hearing no objection, declares the motion CARRIED.
174	Sen. George	MOTION: Moves HB 2680A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Yih
	Chair	The motion CARRIES.
		SEN. SHANNON will lead discussion on the floor.

180	Chair Shannon	Closes the work session and opens a public hearing on HB 2491A.
<u>HB 2491A</u>	PUBLIC HEARING	
183	Palau	Explains the provisions of HB 2491A which establishes a pilot program that allows fines for traffic offenses to double if the offense is committed in a designated safety corridor. Presents (EXHIBIT I) and explains the provisions of the amendments.
208	John Gardner	Legislative Assistant, Rep. Terry Thompson, House District 4. Presents (EXHIBIT J) and testifies in support of HB 2491A. Notes that the bill is in response to the accident rates on Highway 18.
224	Yvonne Reese	Citizen, Yamhill County. Presents (EXHIBIT K) and testifies in support of HB 2491A. Reviews accident statistics in Yamhill County on Highway 18.
238	Ken Hewlitt	Citizen, Yamhill County. Testifies in support of HB 2491A. Emphasizes the situation on Highway 18 is at an emergency state.
246	Chair Shannon	Asks if this corridor is the part of the highway that goes from three lanes down to one lane due to narrow bridges.
259	Reese	Responds that the accidents occur over the entire 19 miles of the corridor.
263	Sen. George	Asks if there are any assurances that Highway 18 or 22 will be one of the designated safety corridors.
269	Gardner	Responds that the intent is that Highway 18 would be one of the demonstration projects.
280	Tindall	Remarks that ODOT has committed that the Highway 18/22 corridor would be one of the demonstration projects.
295	Gardner	Adds that since the designation as a safety corridor there have been over 30 fatalities in the last three years.
310	Reese	Reviews the fatal accidents in the safety corridor.
316	Sen. Ferrioli	Asks if there are specific causes for the accidents in the corridor.
320	Sgt. Bruce Hoffman	Oregon State Police. Presents (EXHIBIT L) and testifies in support of HB 2491A. Adds that the major accident causes seem to be head-on collisions due to

		EXCUSED: 1 - Yih
		AYE: In a roll call vote, all members present vote Aye.
		VOTE: 4-0
061	Chair Shannon	MOTION: Moves HB 2491A to the floor with a DO PASS AS AMENDED recommendation.
	Chair Shannon	Hearing no objection, declares the motion CARRIED.
052	Chair Shannon	MOTION: Moves to ADOPT HB 2491A-3 amendments dated 5/21/99 (EXHIBIT I).
<u>HB 2491A W</u>	ORK SESSION	
048	Chair Shannon	Closes the public hearing and opens a work session on HB 2491A.
040	Chair Shannon	Explains the provisions of the ñA3 amendments which include definitions for a school zone.
018	Hewlitt	Notes that there are also problems where Highway 18 and 22 join together.
014	Chair Shannon	Explains that Polk County did not reapply for the grant.
001	Hoffman	Responds that grant funds were used to provide patrol activities.
TAPE 101, A		
412	Sen. Castillo	Asks if funding was provided to the county to increase patrol activities.
403	Sen. George	Agrees that a heightened police presence will control speeders.
397	Hoffman	Answers that designated safety corridors require changes in the tactical plans for enforcement.
360	Sen. George	Notes that Highway 18 is extremely dangerous because the number of lanes varies constantly. Asks if the designation of a safety corridor mandates a heightened police presence.
		a combination of factors: weather, young drivers, and alcohol.

Chair Shannon The motion CARRIES.

SEN. GEORGE will lead discussion on the floor.

069	Chair Shannon	Closes the work session and opens a public hearing on HB 2203A.
<u>HB 2203A PU</u>	JBLIC HEARING	
077	Palau	Explains the provisions of HB 2203A which authorizes the Department of Transportation to count federal moneys and certain State Highway Fund moneys used for modernization toward the amount required for the state modernization program for highways.
088	Joan Plank	ODOT. Testifies in support of HB 2203A and the proposed amendments.
095	Don Aman	Funds and Grants Manager, ODOT. Testifies in support of the proposed amendments which would apply additional federal funds to modernization projects.
107	Chair Shannon	Explains that the 1985 Legislature mandated that a minimum of 2 cents of the gas tax would be spent on modernization. Adds that the 1987 Legislature increased the mandate to 4 cents of the gas tax money, or approximately \$54 million per year. Notes that her concern is that the additional state dollars could be used for preservation if federal dollars are freed up.
138	Aman	Responds that the intent of the amendment is to assure that any additional federal revenue received at year-end would be applied to modernization projects.
146	Chair Shannon	Asks if the amendment would allow the entire \$54 million to be used for preservation projects.
152	Aman	Answers that the intent is to continue the present level of spending on modernization projects. Adds that the proposed bill allows ODOT to maximize available federal dollars.
158	Sen. George	Asks if the bill would "lock in" the amount at \$54 million even if gas consumption increased, thus increasing the amount available for modernization.
164	Aman	Responds that is not the intent of the bill. Discusses the intent of the bill which is to access additional federal funds.
188	Chair Shannon	States her intent is that the gas tax go to modernization.
198	Aman	Notes that Oregon is competing with other states for federal funds. Adds that available funds will decrease if the state does not utilize the full amount of federal

funds.

206	Chair Shannon	Asks why ODOT does not leverage with the other funds available and leave the modernization funds alone.
217	Aman	Responds that most of the other programs, to include maintenance, are not eligible for federal funding.
223	Chair Shannon	Asks why the modernization funds are the funds that must be attached.
230	Aman	Answers that this is the one area in the Statewide Transportation Improvement Plan (STIP) that does not qualify for federal funds.
239	Chair Shannon	States that she wants to meet the commitment that 4 cents of the gas tax each year would go to relieve congestion.
241	Aman	Assures the chair that nothing within the bill or the amendment would take away from the \$54 million for modernization.
247	Chair Shannon	States that the bill would allow use of state funds for maintenance and the modernization fund would then be filled in with federal dollars.
252	Aman	Responds that is not correct. Discusses the use of the STIP funds which are all committed to modernization projects.
275	Sen. George	Comments that the problem is that the state is only spending 5 percent on new capacity construction.
291	Aman	Answers that the federal government looks to an adequate planning process to meet projects within the STIP. Notes that the mix is not a concern of the federal government. Discusses allowable uses of federal funds with the Chair.
321	Chair Shannon	Discusses the use of federal funds for construction and state funds for planning and project development. Asks if the governor knows that if there were more new construction ODOT could access more federal funds.
354	Aman	Responds that the only issue is to have projects within the STIP that are ready to be advanced. Discusses that other states can compete for additional federal funds if they have projects that can be advanced.
389	Chair Shannon	Comments that more federal funds could be leveraged if the governor directed additional monies to modernization.

TAPE 100, B

001	Sen. George	Discusses the federal funds available and how much is used for capacity improvement.
007	Aman	Notes that the federal funds are not linked to capacity.
008	Chair Shannon	Comments that the funds go to maintenance rather than new projects.
012	Aman	Notes that any modernization funds removed from the dedicated projects would be replaced since they do not desire to delay any projects.
020	Chair Shannon	Asks about modernization projects that were "on the shelf" and other maintenance projects.
021	Aman	Responds that he was referring to preservation projects.
027	Sen. George	Summarizes total amounts spent on road projects.
036	Chair Shannon	Comments that ODOT is simply seeking additional funds through this leveraging mechanism but she is attempting to protect the 4 cents dedicated to modernization.
045	Aman	Agrees that ODOT would like more funds for modernization and reiterates that the bill simply allows ODOT to manage the federal funds more effectively.
057	Chair Shannon	Comments that the bill does shift some of the gas tax money to maintenance and use federal dollars to make up the difference.
066	Aman	Notes that his purpose is not to differentiate between the federal and the state dollars, but to provide the maximum dollars available.
071	Chair Shannon	Expresses concern that this could jeopardize the \$54 million dedicated to modernization.
076	Sen. George	Adds that ODOT filed a pre-session bill that would have removed the requirement to spend the \$54 million for modernization.
080	Plank	Notes that the proposal was on a list of legislative concepts submitted by the Governoris office and the Transportation Commission for discussion.

098	Aman	States that it is not an issue of modernization, but of dedicating state funds to specific programs which limit their use and the ability to leverage federal funds.	
101	Chair Shannon	Asks if this bill would provide more funds for modernization.	
108	Aman	Answers that nothing could be funded outside of the approved program.	
121	Sen. George	Reviews federal funds available and asks where the funds go.	
135	Aman	Answers that those funds go to preservation, safety, bridges, and earmarked and dedicated projects.	
147	Chair Shannon	Notes that her concern is to protect the \$54 million. Closes the public hearing on HB 2203A and opens a public hearing on HB 2198A.	
HB 2198A PUBLIC HEARING			
153	Palau	Explains the provisions of HB 2198A which allows the Department of Transportation to recover actual costs incurred as a result of certain accidents from a person causing a roadway incident.	
164	Tindall	Presents (EXHIBIT M) and testifies in support of HB 2198A. Notes that road authorities can only recover costs for the actual repair of damage to roadways, bridges, guardrails or other features. This bill would allow authorities to recover costs for traffic control or other cleanup of materials spilled on roadways.	
186	Chair Shannon	Asks why ODOT is unable to recover costs at present.	
188	Tindall	Responds that the only costs that can be recovered are the actual damage to the roadway.	
199	Chair Shannon	Asks how ODOT has managed in the past.	
201	Tindall	Notes that the intent is simply to recover the costs when there is a responsible party. Reviews the intent of the legislation.	
230	Sen. George	Comments that if a driver dumps materials on a highway he would be responsible.	
237	Tindall	Notes that an owner can be billed in the event of hazardous spills. Adds that the situations where road authorities can recover costs are narrowly defined.	
256	Sen. George	Asks how the costs would be established.	
261	Tindall	Answers that the costs would be at the same rate that is billed within the ODOT accounting system. Adds that the costs would depend on the equipment utilized	

and the man-hours utilized.

283 Chair Shannon Closes the public hearing and adjourns the meeting at 5:37 p.m.

Submitted By, Reviewed By,

Gary Roulier, Megan Palau,

Administrative Support Administrator

EXHIBIT SUMMARY

- A ñ HB 3530A, amendments, staff, 1 p
- B ñ HB 3530A, written testimony, Doug Tindall, 1 p
- C ñ HB 3085A, written testimony, Rep. Bob Patridge, 2 pp
- D ñ HB 3085A, written testimony, Patrick Nelson, 5 pp
- E ñ SB 1324, amendments, staff, 1 p
- F ñ SB 1324, written testimony, Bill Penhollow, 12 pp
- G ñ SB 1324, written testimony, Bob Thomas, 3 pp
- H ñ HB 2680A, amendments, staff, 4 pp
- I ñ HB 2491A, amendments, staff, 5 pp
- J ñ HB 2491A, written testimony, John Gardner, 1 p
- K ñ HB 2491A, written testimony, Yvonne Reese, 2 pp
- L ñ HB 2491A, written testimony, Bruce Hoffman, 1 p
- M ñ HB 2198, written testimony, Doug Tindall, 1 p