

HOUSE COMMITTEE ON TRANSPORTATION

March 3, 1997 Hearing Room D

8:30 AM Tapes 36 - 37

MEMBERS PRESENT:

Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Tim Josi

Rep. Jane Lokan

Rep. Bill Markham

Rep. Lonnie Roberts

Rep. Larry Wells

MEMBER EXCUSED:

STAFF PRESENT:

Janet Adkins, Policy Analyst

Julie Havel, Administrative Support

MEASURE/ISSUES HEARD:

HB 2519 Public Hearing and Work Session

HB 2769 Public Hearing and Work Session

HB 2605 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 36, A		
005	Chair Montgomery	Calls meeting to order at 8:32am and opens public hearing on HB 2519.

**HB 2519 -
PUBLIC
HEARING**

007	Janet Adkins	Policy Analyst, explains provisions of HB 2519.
019	Rep. Dennis Luke	Testifies that the current law is very unclear, and it has been his experience that if you're going to make a left turn on a five lane road, you're going to pull into the center lane, stop, and then merge. Explains that that currently is against the law, and enforcement practices among jurisdictions are very inconsistent. The law currently states you are supposed to move into the first lane of traffic. States his bill will allow motorists to legally get into the center lane, stop, and then merge, but not to turn it into an acceleration lane.
045	Rep. Roberts	Asks if people are actually using the center lane as a passing lane.
049	Rep. Luke	States that is not the case and clarifies that people are pulling into the lane, stopping, and then merging.
055	Rep. Josi	Asks for and receives further clarification on what the current law is.
060	Rep. Wells	Asks if the work group defined "acceleration" and how much one can accelerate while pulling into traffic.
063	Rep. Luke	States the professional people here with him today will be able to answer that in more detail.
069	Loismae Benson	Deschutes County Justice Evaluation Coalition, explains the role of her group and explains they have invited all law enforcement officers to their meetings. Explains the only group that has been supportive of keeping the law the way it currently is are the State Police in other areas. Adds they are in favor of merging into traffic from what they refer to as the "safety lane," when it is safe.
084	Michael Johnston	Sergeant, Deschutes County Sheriff's Department, explains the seriousness of the problem in his county is largely because of the increased traffic merging onto Highway 97 and misuse of this center lane. States it is resulting in 40 to 50 mile per hour head-on collisions and adds they want motorists to be able to use the center lane as a "sanctuary" to wait for an opening in traffic. States the current law is very vague.
094	Chair Montgomery	Asks for definition of "immediate".
099	Johnson	Explains if they are stopped, they should merge immediately when an opening comes up.
105	Rep. Lehman	Asks if we even want to "open this up" to let people do this, because he sees a potential problem with motorists coming the other direction approaching an intersection, and looking for that same spot in the center lane to make a turn from.
		Explains they are going to do it anyway, at least on Highway 97. So

116	Johnson	if they at least let people pull in and stop, they won't have as serious of collisions.
122	Rep. Luke	States that Highway 97 in Bend is a five lane highway from south of Bend to the other side of Redmond, and explains people are doing it now trying to get on the entire length of the highway. States the City of Salem will be testifying that they have actually come to an agreement with their judges about this.
138	Michael Alex	Salem Police Department Traffic Enforcement and Fatal Accident Investigations Unit, states the number of accidents they face on South Commercial and Lancaster Drive from misuse of the continuous left turn lane are motorists who get into the lane and pass several other vehicles before getting up to where they actually make a left turn. Adds that this violation is covered under passing in a no-passing zone because it is a solid yellow line adjacent to the lane that they are driving in. Explains probably the most "misunderstood" traffic control devices are painted markings on the roadway. Those at an intersection are very specific for minor streets. But at major intersections, it is a dedicated left turn only, and separated by solid double yellow lines on one side and a six inch white line on the other side.
155	Alex	Continues testimony, explaining they find the most expeditious way for traffic to enter areas such as Lancaster or Commercial is when the individual pulls out, they stop, and then immediately cut their wheels over and merge into traffic. Adds that over the past 20 years, the elected municipal court judges have made an exemption to an improperly executed left turn when an individual does it this way. States that would be a judgment call for police officers attempting to enforce this law. States they are currently observing that when you exit from a side street or private drive, your speed is relatively low, so that when you pull out into the lane, you're going relatively slow, so you can stop within a car length. If you remain stopped, and turn your wheels, you can perform the act of "signal, mirror, over the shoulder, and go," (SMOG), you are in the lane for a very short period of time. States they specifically allow this in the California driver's manual, but they prohibit driving down the continuous left-hand turn lane.
181	Rep. Wells	Asks how police regulate a situation where traffic is backed up at a stoplight and motorists are pulling out and driving down to get to this area.
190	Alex	States they issue a citation for passing in a no passing zone because it is a solid yellow line adjacent to the left turn lane.
197	Rep. Roberts	Confirms that what they are considering is to establish a process of assessing and defining a traffic law, so that in court, it's clear to the judge, the officer, and the offender that this is the law without too much attempt to have different opinions of what that law is.
205	Alex	Explains different courts in different jurisdictions interpret the law

		differently.
213	Adkins	Asks if the special left turn lane is marked with left turn arrow.
215	Alex	Explains in some cases it is, but usually is marked by "two sets of solid yellow lines, the outside is solid yellow, the inside is broken yellow."
221	Rep. Luke	States that the Oregon Department of Transportation doesn't always mark according to the law. States people are doing it, and we should change the law to match traffic patterns as long as it is done right.
238	Benson	States people interpret their definition of "safety lane" differently in the Bend area.
240	Rep. Markham	States he doesn't believe it's necessary to require that the motorist turn his wheels as a condition of the law.
256	Alex	Clarifies, and states he did not mean for that to be a condition.
289	Lt. Glen Rader	Oregon State Police Patrol Services Division, states they are in total support of this bill.
298	Chair Montgomery	Closes public hearing and opens work session on HB 2519.
<u>HB 2519 - WORK SESSION</u>		
301	Rep. ROBERTS:	MOTION: Moves HB 2519 be sent to the floor with a DO PASS recommendation.
		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair MONTGOMERY	The motion CARRIES. REP. LUKE will lead discussion on the floor.
<u>HB 2769 - PUBLIC HEARING</u>		
326	Janet Adkins	Policy Analyst, explains provisions of HB 2769.
343	Rep. Markham	Explains the utility people proposed this idea to him and Rep. Josi to add five feet to the length of poles they haul out to put up for telephone and power service.
335	Sandra Flicker	Oregon Rural Electric Cooperative Association, testifies in favor of HB 2769 (EXHIBIT A), adds they do have support for this bill from the entire electric utility industry and the Oregon Department of Transportation, and they have agreed to revisit this issue in a year to consider any safety issues that may have arisen.
385	Flicker	Continues testimony.

TAPE 37, A		
014	Rep. Roberts	Asks if they put a red flag on the end of each pole if it hangs out a certain length beyond the truck.
015	Flicker	Explains they are limited to four feet in front of an overhang. Calls Rick Listella, Salem, Motor Carrier Services Manager, Motorcarrier Transportation Branch, to answer question in more detail.
019	Rick Listella	Explains the rear overhang must have a red flag on it and certain vehicle configurations are required to have a pilot car.
029	Rep. Roberts	Asks for clarification on the 80 feet or less on a continuous trip permit.
033	Listella	States this bill would allow the continuous movement at 80 feet or less all the time. It is currently at 75 feet or less and they issue single trip permits beyond that, which reduces the administrative burden on the agency.
047	Rep. Wells	Asks Listella to explain to committee what type of truck would typically be hauling an 80-foot pole.
054	Listella	Explains the poles are hauled on a 40-foot truck with a four-foot overhang in the front and a dolly with a set of wheels and axles that attaches onto the back of the pole that hauls the rest of the length.
057	Flicker	Adds they do have longer poles than the 80-foot length and they deal with them on an issue by issue basis.
063	Rep. Wells	States he is having trouble visualizing an 80-foot pole with a dolly.
065	Listella	States perhaps a "dolly" is the wrong terminology, states a diagram would be beneficial and offers to get one to the members. Explains the pole is situated over the top of the truck leaning upwards in the front and down towards the rear on a set of axles that supports the back of the pole as it traverses the highway.
078	Bob Hall	Portland General Electric, states this would make it a lot easier for them and urges committee's support for HB 2769.
088	Flicker	States she will provide a photo of the pole to Rep. Wells.
093	Chair Montgomery	Closes public hearing on HB 2769 and opens work session on HB 2769.
<u>HB 2769 - WORK SESSION</u>		
095	Rep. LOKAN:	MOTION: Moves HB 2769 be sent to the floor with a DO PASS recommendation.
		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair MONTGOMERY	The motion CARRIES.

		REP. JOSI will lead discussion on the floor.
HB 2605 - PUBLIC HEARING		
109	Janet Adkins	Policy Analyst, explains provisions of HB 2605.
130	Chuck Sides	Private citizen, testifies in support of HB 2605 (EXHIBIT B), and requests an amendment that property that was changed in its density and zoning be restored to the original comprehensive zone plan as it was January 1, 1996.
194	Rep. Josi	Asks for and receives clarification on how the repeal of this law would help Sides.
209		Discussion continues on whether the law was used to appease the "not in my backyard" people, and reasons for downsizing from six to three lots.
235	Rep. Josi	Suggests a fine-tuning of existing law may be a more appropriate way to resolve this problem.
260	Rod Johnson	Former Senator, Roseburg, explains to committee the reasons why they passed this law two years ago. States small airports are closing all around the country because of development. Explains the need to protect the airports we have, and the bill was designed to give them the opportunity to craft a bill that would fit into the rules.
328	Rep. Lehman	Asks if Johnson is aware of any other areas where this problem has cropped up.
340	Johnson	Explains there is not that he knows of.
343		Discussion continues on the need for these rules.
357	Rep. Josi	Reads excerpt from constituent letter.
380	Rep. Markham	Asks to hear from the sponsors and /or authors of the bill.
393	Phillip Fell	League of Oregon Cities, testifies they think the rules are extremely controversial and very expensive to implement.
TAPE 36, A		
010	Steve Bryant	Albany City Manager, testifies the Albany Airport is on the "bubble of extinction." Explains circumstances surrounding the airport and how the rules affect it.
063	Bryant	Continues testimony, stating the bottom line for them is they don't need something else to push the airport over the edge in terms of it's demise.
064	Scott Lazenby	Sandy City Manager, explains Sandy's situation with its small airport, stating the more restrictions they have, the more they are "boxed in".
092	Rep. Lehman	Asks for and receives clarification about rules.
		Adds the economic impact of this bill seems to exceed the benefit in

104	Bryant	his perspective, and the staff time they have to put in will be limited because of Measure 47 cuts.
117	Rep. Wells	Asks for clarification on their apparent change of heart regarding this bill.
134	Rep. Wells	Continues discussion on issue of changing their minds and cites the need for them to make a decision and stick by it.
181	Jack Lenhardt	Hubbard area airport owner and operator, testifies in opposition to HB 2605 (EXHIBIT C), and states it would dissolve most of SB 1113, which was adopted by the 1995 Legislature to correct what he refers to as an "already late correction of injustice."
215	Rep. Roberts	Asks how the presence of crop-dusting planes would have changed the decision.
217	Lenhardt	Replies that did not change the decision because they had them at that time.
218	Rep. Markham	Asks for and receives clarification on what is allowed currently under SB 1113.
231	Art Schlack	Association of Oregon Counties Land Use Specialist, testifies in support of HB 2605 (EXHIBIT D).
281	Schlack	Continues testimony.
346	Rep. Lehman	Shares his concerns about "zig zagging" and going back in and undoing what has already been done, and asks if there is a compromise out there.
361	Schlack	States he believes there could be a compromise, but it would take further discussion.
375	Joe Weber	Mollalla Airport owner, testifies in opposition to HB 2605 and urges committee to give SB 1113 a chance to work.
TAPE 37, B		
003	Evan Boone	Oregon Pilot's Association, testifies in opposition to HB 2605 and submits letter from J. Rion Bourgeois, Oregon State Experimental Aircraft Association, (EXHIBIT E).
054	Boone	Continues testimony, explaining that if SB 1113 is repealed, airports will lose, and there will be no land-use coordination. States the end result will be that rural airports will close, and Oregon needs these rural airports as part of its overall transportation system to move people and cargo.
080	Rep. Roberts	Asks if cities and counties shouldn't have some mechanism for regulating the way people are "parachuting out" in terms of growth.
	Boone	Replies that through the zoning process, the rules provided a mechanism to balance out the needs of local residents and airport owners, but there must be a way to factor in the state aviation system as well.
		Pilot, land-use lawyer and small private airport representative,

090	Larry Derr	testifies in opposition to HB 2605 and shares problem of non-conforming use and how it squeezed out a 50-year old airport. Urges committee to table bill and let the rules have a chance to work.
142	Rep. Lehman	States this issue seems ripe for all the groups to sit down and talk to see if there's a compromise that can be worked out.
155	Chair Montgomery	States he agrees completely. Closes public hearing and states they will continue taking testimony on Friday morning. Adjourns meeting at 10:08am.

Submitted By, Reviewed By,

Julie Havel, Janet Adkins,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2769, written testimony, Sandra Flicker, 3pp.

B - HB 2605, written testimony, Chuck Sides, 2pp.

C - HB 2605, written testimony, Jack Lenhardt, 1p.

D - HB 2605, written testimony, Arthur Schlack, 2pp.

E - HB 2605, letter from J. Rion Bourgeois, submitted by Evan Boone, 2pp.