

HOUSE COMMITTEE ON TRANSPORTATION

March 24, 1997 Hearing Room D

8:30 AM Tapes 56 I - 56 II

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

Debi Parker, Administrative Support

MEASURE/ISSUES HEARD:

HB 2414 Public Hearing and Work Session

HB 2898 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 56 I, A		
001	Chair Montgomery	Opens meeting and public hearing on HB 2414.
<u>HB 2414 PUBLIC HEARING</u>		

002	Janet Adkins	Policy Analyst. Explains HB 2414.
010	Rep. Denny Jones	District 60. Gives testimony regarding the support of this measure. Big worry is liability for individuals. No major financial impact for Oregon Department of Transportation (ODOT). Problem of salvaging on or off highway.
054	Rep. Markham	Asks why did ODOT back off? Was it the Attorney General?
056	Rep. Jones	It's an efficiency move.
058	Vice-Chair Lehman	Asks if it would be a hardship to get an ODOT crew out where he's from.
062	Rep. Jones	The problem is finding flaggers.
079	Rep. Jones	Asks if flaggers have ever cost anything.
080	Chair Montgomery	Recommends the amended bill in front of him.
082	Rep. Markham	Asks about when ODOT stopped providing flaggers.
083	Rep. Jones	About a year and a half ago.
089	Rep. Markham	Asks about budget.
100	Al Elkins	Executive Director Oregon Tow Truck Association. Gives testimony in support of HB 2414. ODOT has given them control of shutting down highways and flagging during accidents. Provides written material (EXHIBIT A) .
131	Bob Baker	Owner Road Runner Towing, Ontario, Oregon. Gives testimony in support of measure. Large contributor in helping ODOT and police.
146	Rep. Roberts	Asks about cranes.
150	B. Baker	Continues testimony. ODOT will not help anymore at accidents. Follow OSP guidelines. No traffic controls at scenes.
198	Sherryl Baker	Secretary of Road Runner Towing, Ontario, Oregon. Dispatches vehicles under time constraints. Provides certified flaggers. Says that all tow truck companies must provide traffic controls, and insurance rates will increase if towing companies must provide flaggers. ODOT policy is not applied equally across the state. Gives examples of assistance she tried to get over the weekend. Only one company answered the phone and the information they gave indicated that an ODOT towing company may be in non-compliance with wage and hour law. Urges committee to adopt HB 2414.
308	Vice-Chair Lehman	Asks about slight disruption in traffic as opposed to large wrecks. Maybe there are times when you do not need ODOT to come and control traffic.
320	B. Baker	Yes. Agrees with Vice-Chair Lehman.
323	Rep. Roberts	Clarifies that this is a safety issue and not one of convenience.
326	B. Baker	Yes. Agrees with Rep. Roberts.

329	Vice-Chair Lehman	Asks about usefulness of guidelines for ODOT.
337	B. Baker	ODOT now has guidelines and is abusing them.
342	S. Baker	Towing companies provide traffic control no matter what.
344	Chair Montgomery	Difference in interpretation of rules.
349	B. Baker	ODOT calls everything a salvage operation.
352	Chair Montgomery	Asks about situation of local governments.
355	B. Baker	Malhuer County is trying to fill the void. Private companies cannot legally shut down roads.
375	Rep. Roberts	Motorists must obey flaggers' signs. Safety is concern.
391	B. Baker	Motorists do not think of tow trucks as a safety vehicle.
412	Kristy Evans	President, K & D Services, a business which offers traffic controls. Gives written materials (EXHIBIT B).
436	Rep. Roberts	Asks where business is located.
437	Evans	Headquarters in Tualatin with satellites elsewhere.
440	Rep. Roberts	Asks if business is in Eastern Oregon.
444	Evans	Has the ability to work there.
445	Rep. Roberts	Asks if there is an office there.
446	Evans	Works out of employee's homes.
TAPE 56 II, A		
001	Evans	Continues testimony. Gives examples of cooperation between her company and ODOT. Her company trains and certifies workers under ODOT specifications.
035	Vice-Chair Lehman	Asks about fees the company charges.
040	Evans	About \$100 an hour for everything.
045	Vice-Chair Lehman	Asks if that is standard.
047	Evans	Depending on the job, could be less or more.
048	Rep. Lokan	Asks if Evans is supporting or opposing the bill.
050	Evans	Believes opportunity to provide a service is needed before a bill is passed.
055	Rep. Lokan	Asks if Evans is under ODOT contract.
056	Evans	There is no contract, but company does work for ODOT.
058	Rep. Roberts	Addresses safety issue of number of flaggers.
063	Evans	Surveys situation for safety before sending workers out.

074	Rep. Roberts	Addresses issues of emergency vehicles
077	Evans	Emergency vehicles have priority.
086	Doug Tindall	Field Services Engineer, Oregon Department of Transportation. Provides written material (EXHIBIT C). Change is efficiency issue. Relies on private flaggers. ODOT attempts to be at accidents for traffic control. Workforce is reduced.
124	Rep. Markham	Asks about timeline for reduction of workforce.
125	Tindall	Addresses reduced workforce issue.
131	Rep. Markham	Asks about layoffs.
132	Tindall	No one has been laid off, but there is a reduction in maintenance workforce.
136	Rep. Lokan	Asks about what action is taken if ODOT is unable to be at an accident.
139	Tindall	Law requires towing company to be there. Oregon State Police (OSP) also may be called.
144	Rep. Lokan	Asks how call is monitored if someone is unable to answer the call.
147	Tindall	ODOT does not monitor.
151	Rep. Lokan	Asks if ODOT just presumes someone answers the call.
153	Tindall	OSP calls the towing companies.
156	Rep. Roberts	Addresses the budgetary issue.
162	Tindall	Fiscal is based on all calls which disrupt traffic.
170	Rep. Roberts	Asks about simple calls for vehicles stranded on the side of the road.
171	Tindall	That is how he understands the bill.
172	Rep. Roberts	Asks about contracting with OSP.
174	Tindall	ODOT cooperates with OSP about whomever get there first.
179	Rep. Roberts	The issue is about Eastern Oregon.
182	Tindall	Whichever agency responds will aid ODOT in traffic control.
186	Rep. Roberts	Asks who pays for traffic control
189	Tindall	ODOT passes the cost on to the towing company or insurer.
193	Rep. Roberts	The money does not come out of ODOT's budget.
194	Tindall	He is not sure who pays for the call.
200	Rep. Roberts	What about a driver without insurance.
202	Tindall	ODOT tries to recover damage to structures, but the state eats the cost of damage caused by uninsured drivers.
205	Rep. Roberts	Asks about budgeting for that.
206	Tindall	ODOT does budget for that.
207	Vice-Chair Lehman	Asks about ODOT's authority in going after negligent drivers.

211	Tindall	ODOT has authority to go after drivers damaging structures.
221	Chair Montgomery	Closes public hearing on HB 2414.
<u>HB 2898 PUBLIC HEARING</u>		
226	Chair Montgomery	Opens public hearing on HB 2898.
231	Rep. Tim Josi	Explains -1 amendments which replace the original bill. Urges the committee's support of the bill.
303	Vice-Chair Lehman	Asks which form of the bill ignores the Constitution.
304	Rep. Josi	The original bill has a Constitutional problem.
363	Chair Montgomery	Asks if there was a previous study.
369	Paul R. Cleary	Director, Division of State Lands, State Land Board. Provides written materials (EXHIBIT D) and urges support of this measure. The amendments give opportunity for people to work together.
385	Chair Montgomery	Addresses recommending issues to the State Land Board.
394	Rep. Roberts	Addresses changing the Constitution.
396	Cleary	The Board will take committee's advice.
404	John Lilly	Assistant Director for Policy and Planning, Division of State Lands. Supports Cleary's testimony.
409	Rep. Roberts	Asks about fiscal impact.
410	Cleary	Until committee develops plan, fiscal impact is unavailable.
<u>TAPE 56 I, B</u>		
001	Cleary	Continues testimony. Urges favorable consideration of HB 2898-1.
052	Chair Montgomery	Because the entire bill has been deleted and amended, HB 2898 is a dead issue.
057	Rep. Roberts	Believes that members of the public and public land board will be on committee set up by bill.
064	Rep. Josi	That will be the recommendation.
071	Rep. Markham	Asks about Cleary's exhibit.
072	Cleary	Will get copies to members.
075	Chair Montgomery	Will not get to all testimonies. Will address amendments only.
082	Sen. Ted Ferrioli	District 28. Gives testimony regarding HB 2898.

141	Rep. Roberts	Addresses navigability and responsibility.
148	Sen. Ferrioli	Narrows issue to three elements. Ownership of property need assertion.
160	Rep. Roberts	Need definition of navigability
166	Sen. Ferrioli	Define the three elements which will help everyone
178	Rep. Markham	Addresses the scenic waterway issue.
180	Vice-Chair Lehman	Addresses tidal influence.
186	Chair Montgomery	Asks for cooperation in addressing the issue.
193	Jon Justesen	Central Oregon rancher. National Organization for Rivers. Gives testimony in opposition to measure, provides written material (EXHIBIT E).
261	Rep. Markham	Asks for clarification of witness' testimony.
264	Justesen	Responds.
269	Rep. Markham	Asks for further clarification.
270	Justesen	Responds.
285	Joe Rohleder	The Association of Northwest Steelheaders, the Oregon Outdoors Association, and Northwest Sportfishing Industry Association. Provides written materials (EXHIBIT F) and addresses the committee in support of the amendment.
310	Rick Wren	Executive Director, Oregon Outdoors Association, Inc. provides written testimony (EXHIBIT G). Addresses HB 2904 and several Senate bills. Seeks true resolution of conflicts. Recommends more members of the public and bipartisanship of committee.
357	Hobart Manns	Private citizen, Portland. Could lose access to streams. Committee has chance to leave Gov. McCall's legacy of access.
394	Charles Ciecko	Private citizen, Gresham. Gives written materials (EXHIBIT H) and testimony in support of the amendment. Separating Oregonians from rivers seems impossible. Not all users are responsible or respectful.
TAPE 56 II, B		
001	Ciecko	Continues testimony. Conflicts will continue unless checked. Staffing is equal to 1970's levels. Recommends three adjustments to bill.
055	John Colburn	Member of Conservation Committee of Oregon Council Federation of Fly Fishers. Provides written materials (EXHIBIT I) regarding this measure. Amendment is not enough to correct the problem. Explains Montana's Stream Access Law. Recommends giving public access to rivers and streams.
	Kathy	Private citizen, Corvallis. Concern for first part of bill which is to be

119	Rogers	deleted. Concern for where public use ends and private property rights begin. Urges committee to find definitions.
184	Chair Montgomery	Appreciates Rogers' assistance on HB 2898 rather than the amendment.
190	Rogers	Like to see things done now. Unsure about the amendment.
210	Kathy Amundson	Private citizen, Clackamas County. Provides written materials (EXHIBIT J). Conflicts with Department of State Lands over navigability. Urges committee to address all bills regarding this issue.
273	Chair Montgomery	Will have revenue forecast for next hearing after study.
277	Greg Leo	Past coordinator for landowners during last year's stakeholders' meeting. Provides written materials (EXHIBIT K) in reluctant support of measure. Concern about operators of camps along rivers. Law enforcement and prosecutors need to know the law. Concern about property values.
316	Janet Adkins	Policy Analyst. Notes receipt of letters on HB 2898 from Elizabeth (Eddie) Thompson (EXHIBIT L), Paul Donheffner (EXHIBIT M), Murray Johnson (EXHIBIT N), Michael Drais (EXHIBIT O), and Larry Beaver, (EXHIBIT P), that will be added to the record.
324	Chair Montgomery	Closes HB 2898 public hearing at 10:15. am.

Transcribed By, Reviewed By,

Gina Cross, Janet Adkins,

Committee Clerk Policy Analyst

EXHIBIT SUMMARY

A - HB 2414, written materials, Al Elkins, 1 pp

B - HB 2414, written materials, Kristy Evans, 1 pp

C - HB 2414, written materials, Doug Tindall, 2 pp

D - HB 2898, written materials, Paul L. Cleary, 25 pp

E - HB 2898, written materials, Jon Justesen, 2 pp

F - HB 2898, written materials, Joe Rohleder, 2 pp

G - HB 2898, written materials, Rick Wren, 1 pp

H - HB 2898, written materials, Charles Ciecko, 3 pp

I - HB 2898, written materials, John Colburn, 7 pp

J - HB 2898, written materials, Kathy Amundson, 1 pp

K - HB 2898, written materials, Greg Leo, 6 pp

L - HB 2898, written materials, Eddie Thompson, 1 pp

M - HB 2898, written materials, Paul Donheffner, 2 pp

N - HB 2898, written materials, Murray Johnson, 2 pp

O - HB 2898, written materials, Michael Drais, 2 pp

P - HB 2898, written materials, Larry Beaver, 3 pp