

HOUSE COMMITTEE ON TRANSPORTATION

May 23, 1997 Hearing Room D

8:30 A.M. Tapes 116 - 120

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

Erik Deitz, Administrative Support

MEASURE/ISSUES HEARD:

SB 458 Work Session

HB 3137 Work Session

SB 1096 Public Hearing and Work Session

SB 688 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 |
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| TAPE 116, A | | |
| 005 | Chair Montgomery | Calls meeting to order at 8:30 a.m., opens public hearing on SB 1096. |
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| <u>SB 1096 PUBLIC HEARING</u> | | |
| 010 | Janet Adkins | Policy Analyst, explains SB 1096 to committee and audience. |
| 015 | Rep. Bob Jenson | District 57, testifies in favor of SB 1096. |
| 021 | Greg Smith | Port of Morrow, testifies in favor of SB 1096. |
| 040 | Pat Moore | Potlatch Corp., testifies in favor of SB 1096. |
| 050 | Chair Montgomery | Closes public hearing on SB 1096, opens work session. |
| <u>SB 1096 WORK SESSION</u> | | |
| 063 | Rep. Markham | Asks how long the route is. |
| 065 | Rep. Jenson | Responds that it is 3000 feet. |
| 070 | Rep. Lehman | MOTION: Moves SB 1096A to the floor with a DO PASS recommendation. |
| 076 | | VOTE: 7-0 |
| | | AYE: In a roll call vote, all members present vote Aye. |
| | Chair Montgomery | The motion CARRIES. REP. JENSON will lead discussion on the floor. |
| 075 | Chair Montgomery | Opens work session on SB 458. |
| <u>SB 458 WORK SESSION</u> | | |
| 085 | Adkins | Explains SB 458 to committee and audience. |
| 095 | Larry Christianson | Oregon Department of Transportation (ODOT), explains SB 458 and what exactly ODOT's responsibility will be in regard to SB 458 (EXHIBIT B) . |
| 145 | Rep. Wells | States that when he is traveling at 65 miles per hour people pass him like he is standing still and without more officers he is not going to support this bill. |
| 160 | Cpt. James Stevenson, | Oregon State Police, testifies against SB 458. Explains that average highway speed will continue to go up if the posted speed limit goes up (EXHIBIT C) . |
| 185 | Rep. Wells | Explains that he is comfortable allowing police officers to use their own judgment when issuing tickets. |
| 200 | Cpt. Stevenson | Explains that the Oregon State Police are against raising the posted speed limit. States that injuries will increase if the speed increases. |

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| | | Talks about the need for more police officers to patrol highways. |
| 250 | Cpt. Stevenson | Continues testimony. |
| 285 | Rep. Roberts | Asks if increasing the speed limit would increase the compliance level. |
| 310 | Cpt. Stevenson | Responds that generally yes. |
| 320 | John Grassman | ODOT, testifies that there are stretches of highway that could be looked at for a possible increase. |
| 335 | Rep. Lokan | Asks if most people support a speed limit increase. |
| 340 | Cpt. Stevenson | Responds that ODOT has done a study on that topic and that generally most people would like an increase. |
| 370 | Chair Montgomery | Closes work session on SB 458, opens work session on HB 3137. |
| <u>HB 3137 WORK SESSION</u> | | |
| 380 | Adkins | Explains HB 3137 and the -2 amendments to committee and audience (EXHIBIT A). |
| 390 | Rep. Larry Sowa | District 26, explains HB 3137 and the -2 amendments. |
| 410 | Rep. Roberts | Asks about specific wording in the amendments. |
| 420 | Rep. Sowa | Responds that his bill is to increase traffic safety by forcing slower moving vehicles to drive in the right lane. |
| TAPE 117, A | | |
| 035 | Rep. Sowa | Explains that people will need to be trained on how to video tape violators. That portion of the bill was amended at the request of the state police. |
| 050 | Rep. Lokan | Asks what the current law is in regard to driving in the left lane. |
| 062 | Rep. Sowa | Responds that police do not have the manpower to enforce the current law, that only allows driving in the left lane to pass. |
| 073 | Rep. Wells | Asks about specific wording in the bill. |
| 076 | Rep. Sowa | Responds, explains that he researched traffic statutes trying to resolve this issue. |
| 085 | Cpt. Stevenson | Explains that he has worked with Rep. Sowa on the amendments. States that he has been enforcing laws for several years. Explains that this piece of legislation allows volunteers with video cameras to help enforce laws. |
| 105 | Rep. Wells | Explains that there is a conflict in these statutes. |
| 113 | Cpt. Stevenson | Explains he would need to research to give a better answer, and the officer would need to use his own judgment to see which statute the driver was violating. |

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| 127 | Rep. Sowa | Explains that HB 3137 only applies to drivers traveling at or below the posted speed limit. |
| 143 | Chair Montgomery | Asks Cpt. Stevenson if he envisions people driving around trying to video tape other drivers. |
| 155 | Cpt. Stevenson | Responds that his concern is that this type of violation lasts for several miles, so the violator will need to be followed. |
| 177 | Chair Montgomery | Closes work session on HB 3137, opens public hearing on SB 688. |
| <u>SB 688</u> <u>PUBLIC</u> <u>HEARING</u> | | |
| 200 | Adkins | Explains SB 688 to committee and audience. |
| 220 | Sen. Mae Yih | District 19, testifies in favor of SB 688. States that Oregon had two major floods in 1996, people were forced from their homes, roads were damaged, and property was damaged. Explains that flood victims do not have ways to get adequate help (EXHIBIT D). |
| 270 | Sen. Yih | Shows committee a photograph of flooded areas in Millersberg. States that there was eleven feet of standing water. |
| 320 | Sen. Yih | States that there was \$400,000,000 damage and six deaths because of flooding this year. |
| 370 | Sen. Yih | Shows more pictures to committee. |
| 400 | Larry Hagel | Wah Chang, testifies in favor of SB 688, explains that the current law puts the financial burden on the flood victims. Explains that this year's floods caused Wah Chang \$500,000 damage (EXHIBIT F). |
| TAPE 116, B | | |
| 005 | Rep. Roberts | Asks how big the dam is by the Wah Chang plant. |
| 010 | Hagel | Responds he will get to that in a moment. |
| 016 | Rep. Roberts | Asks about the temporary closing of the Wah Chang Plant and how long Wah Chang was shut down. |
| 023 | Hagel | Responds that Wah Chang was shut down for six weeks. Explains that Wah Chang has spent a lot of money to keep flood waters out of their building. |
| 060 | Rep. Wells | Asks about the railroad tracks that were damaged, explains that the culverts in Sen. Yih's picture are not running at full capacity. |
| 073 | Hagel | Responds that the pictured culverts are for overflow. |
| 085 | Chair Montgomery | Asks if the tracks or the Wah Chang plants were built first. |
| 092 | Hagel | Responds that the tracks were built first. |
| 093 | Rep. Markham | Asks who is responsible for the repairs. |
| 104 | Hagel | Responds that talks with Burlington Northern were conducted but no decision was reached. |

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| 110 | Rep. Markham | Asks if the talks are proceeding why is there a need for the bill or are they dragging their feet. |
| 120 | Sen. Yih | Responds that it is very difficult to get all concerned parties together at the same time. Explains that there is no mechanism to enforce laws or determine responsibility. |
| 140 | Chair Montgomery | Asks if there are one or two railroad tracks through his property. |
| 145 | Hagel | Responds that there are two, one on each side of the property. |
| 160 | Don Driscol | Planning Manager, City of Millersberg, testifies in favor of SB 688. |
| 200 | Ted Schaecher | Property owner, explains that he had a flood in his neighborhood several years ago. States that the culverts were not adequate enough to control the flood water (EXHIBIT E). Testifies that he repaired the damage that was done but in several years the area flooded again and he was back to square one. |
| 250 | Schaecher | Explains that he is a landlord and that when his rental property flooded his tenants had to be evacuated. After the flood water receded his tenants were reluctant to move back in. States that his property value has gone down. Explains that there is not adequate drainage. |
| 270 | Chair Montgomery | Asks if cities have any statutes that can be enforced to prevent one property from draining flood waters onto another. |
| 285 | Driscol | Responds that the city has some authority but that it is to be solved between property owners. |
| 300 | Chair Montgomery | Explains that he had the same problem in his district and nobody wanted to take responsibility. |
| 315 | Everett Cutter | Oregon Railroad Association Manager, testifies against SB 688 (EXHIBIT G). Explains that talks are currently underway in order to solve the flooding problems. States that Burlington Northern, ODOT, and Wah Chang were involved in these talks. |
| 385 | Cutter | Explains that larger culverts are need to control flooding and handle larger amounts of water. |
| 435 | Cutter | Explains that had this law been in effect the damage would not have changed. |
| TAPE 118, A TAPE 117, B not used | | |
| 030 | Cutter | Explains that record rainfall caused the flooding. States SB 688 does not solve the problem, suggests that he has another method to solve this problem. SB 814 is to appoint a task force to research this problem. |
| 050 | Rep. Wells | Explains that some of the culverts were put in several years ago. Asks what the best method is to solve this problem. |
| 075 | Robert Melbo | Oregon Shortline Railroad Association, responds contacting the |

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| | | public works department in the area of problem. |
| 082 | Rep. Wells | Asks if that does not work do they have any other option but to file a law suit in civil court. |
| 091 | Cutter | Responds that there was a railroad merger that happened last year and now there is not a lot of continuity. |
| 106 | Chair Montgomery | Asks how many times has Wah Chang flooded out in the last ten years. |
| 113 | Drisco | Responds two times last year but he does not know over the last ten years. |
| 120 | Chair Montgomery | Asks who decides how big the culverts are. |
| 130 | Drisco | Responds that the engineering department with the railroad department. |
| 140 | Melbo | Testifies against SB 688. |
| 200 | Rep. Roberts | Asks about wording in SB 688. |
| 210 | Melbo | Responds. |
| 213 | Chair Montgomery | Asks about SB 814, if the task force comes up with data showing that SB 688 is indeed needed, would Melbo and Cutter still be here testifying against SB 688. |
| 235 | Cutter | Responds he would like to be part of the research team. |
| 250 | Sen. Yih | States Wah Chang has been flooded five times in the last ten years. |
| 260 | Frank Bibby | California resident, Oregon property owner, explains that over the last five years his property has been experiencing severe flooding because of inadequate drainage. |
| 310 | Bibby | Explains why the drainage is inadequate, and because of the growing population the drainage system is now inadequate (EXHIBIT H) . |
| 330 | Rod Beckner | Testifies in favor of SB 688. Explains that he has been shorted by the railroad companies because of inadequate drainage. |
| 380 | Rep. Wells | Explains the need to get something moving on this issue whether the bill passes or not. |
| TAPE 119, A | | |
| 005 | Chair Montgomery | Explains that Beckner shows that the system works. |
| 015 | Frank Kizer | Oregon resident, testifies in favor of SB 688. Explains that the railroad would not clean up his drainage problem. They told him to handle it himself so he did then sent them a bill for his work. Explains that the bill only angered them and they did not pay it (EXHIBIT L) . |
| 040 | Rep. Wells | Asks where the water is being held up. |
| 048 | Kizer | Responds down river from Wah Chang. |
| 060 | Jerry | Washington County, testifies in favor of SB 688 (EXHIBIT I, J) . |

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| | Parmenter | Explains the different locations that the culverts are too small. |
| 110 | Parmenter | Continues testimony. |
| 120 | Howard Fegles | ODOT, explains that ODOT's Rail Safety Unit conducts inspections of many aspects of railroads facilities. Explains that SB 688 would allow ODOT to notify railroad companies of problems with culverts and other problems (EXHIBIT K). |
| 170 | Rep. Wells | Asks about the current laws. |
| 195 | Rep. Wells | Asks about ODOT's inspection process, and how is this bill going to work in practicality. |
| 205 | Fegles | Responds that if ODOT found a railroad to be in violation, ODOT would have a hearing and determine if there in fact is a violation. |
| 210 | Chair Montgomery | Closes public hearing on SB 688, adjourns meeting at 10:48 a.m. |

Submitted By, Reviewed By,

Erik Deitz, Janet Adkins,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 3137, -2 amendments, Rep. Larry Sowa, 2 pp

B - SB 458, written testimony, Larry Christianson, 13 pp

C - SB 458, written testimony, Cpt. James Stevenson, 12 pp

D - SB 688, written testimony, Sen. Mae Yih, 9 pp

E - SB 688, written testimony, Ted, Schaecher, 3 pp

F - SB 688, written testimony, Larry Hagel, 3 pp

G - SB 688, written testimony, Everett Cutter, 5 pp

H - SB 688, written testimony, Frank Bibby, 5 pp

I - SB 688, written testimony, John Parmenter, 2 pp

J - SB 688, written testimony, Bill Gaffi, 1 p

K - SB 688, written testimony, Howard Fegles, 2 pp

L - SB 688, written testimony, Sen. Mae Yih, 1 p