

SENATE COMMITTEE ON TRANSPORTATION

March 3, 1997 Hearing Room C

1:15 P.M. Tapes 28 - 29

MEMBERS PRESENT:

Sen. Marylin Shannon, Chair

Sen. Joan Dukes

Sen. Gary George

Sen. Mae Yih

MEMBER EXCUSED: Sen. Ken Baker, Vice-Chair

STAFF PRESENT:

Lin Ludwick, Administrator

Nora Carlson, Administrative Support

MEASURE/ISSUES HEARD:

SB 452 - Public Hearing

Transportation Safety - Agency Overview

Introduction of Committee Bills

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 28, A		
001	Chair Shannon	Calls meeting to order at 1:15 p.m. Opens public hearing on SB 452.
<u>SB 452 PUBLIC HEARING</u>		
015	Sen. Ginny Burdick	District 6, submits and presents testimony in support of SB 452 (EXHIBIT A), issues discussed: * suspension of minimum fines for the disabled * disabled parking violations

061	Randy Weisberg	District Court Judge, Multnomah County, submits and presents testimony in support of SB 452 (EXHIBIT B), issues discussed: * prohibition of suspensions * disabled parking violations
102	Sen. Yih	Question whether bill could reflect that fines can only be lowered due to indigence or medically disabled reasons.
130	Chair Shannon	Question regarding expired temporary disabled permits.
146	Weisberg	Clarifies that the way the bill is currently drafted gives the court authority to reduce fines due to indigence.
150	Sen. Yih	Asks if language could be added to include medically disabled persons.
153	Weisberg	Voices concern about adding on legislation a laundry list of situations that the court may or may not see.
173	Chair Shannon	Voices concern about imposing a fine on a 70 year old man who drops his wife off at a nursing home.
187	Weisberg	Responds that the court could proceed on indigence or impose a fine.
200	Chair Shannon	Comments that she would like to signify the difference between stopping and parking in a handicapped zone.
200	Weisberg	Comments that it is often difficult to draw a clear line on situations and this is where the courts should be given authority to allow some leeway.
210	Chair Shannon	Comments that she would like to give the courts the authority, but is unsure how to include it in the bill.
220	Weisberg	Suggests adding language which would allow the court to suspend or reduce a portion of the fine, or the entire fine, based on compelling circumstances.
225	Chair Shannon	Asks if the proposed language would cover a person who just stopped to pick up someone.
229	Weisberg	Agrees that a judge could possibly reduce the fine if a person had given clear and convincing evidence.
233	Sen. Burdick	Voices opposition to an amendment that would remove the fine altogether.
235	Chair Shannon	Asks about the non-handicapped community who was parked temporarily in a handicapped zone to pick up someone.
240	Sen. Burdick	Responds that discretion would be left to the judges and that the law intends that non-disabled persons should not be anywhere near a handicapped zone.

242	Sen. George	Comments on a recent parking violation he received and voices support to keep the minimum fine at \$50.
251	Sen. Yih	Does not support removing the minimum \$50 fine as long as there is legislative record that shows suspension for the medically disabled who inadvertently violate the use of parking spaces.
255	Weisberg	Agrees that it would help with a lot of case situations.
268	Sen. Yih	Voices support to restore the \$165 fine to \$190.
270	Sen. Burdick	Responds that amendments have already been drafted.
280	John Gabrielson	Volunteer Coordinator, State Police Department, provides testimony on SB 452 and explains that five warnings are given prior to issuing a citation.
344	Chair Shannon	Comments that she has never known anyone who has received only a warning.
350	Gabrielson	Asks if a person would discuss it if they just received a warning and if warnings were ever made part of public record.
358	Chair Shannon	Asks Mr. Gabrielson if he could suggest another word to replace "inadvertent" from the bill language.
360	Gabrielson	Suggests that the word should be entirely deleted.
373	Weisberg	Objects to some of Mr. Gabrielson's testimony and comments that the volunteers only issue citations, not warnings.
410	Weisberg	Explains that the reason he used "inadvertent" in the bill draft was to distinguish it from being a deliberate violation.
TAPE 29, A		
016	Sen. George	Refers to Sen. Burdick's submitted testimony (page 2) "...the driver inadvertently parked in a disabled space..." and asks if this would be a reason to reduce the bond.
018	Weisberg	Responds that it would depend on the circumstances.
030	Sen. Dukes	Asks if a sign or a post is needed in order for a citation to be issued.
032	Gabrielson	Responds that it could be either a sign or a post.
052	Sen. Dukes	Comments on giving too much discretion on citations and suggests that posting statutes should be revisited.
066	Weisberg	Responds that it would really be hard to craft a laundry list of situations to put into statutes.
		Disagrees with Judge Weisberg's comment and adds that

080	Gabrielson	the word "inadvertent" would load more cases into the court system.
135	Sen. George	Voices concern about giving the courts authority to impose fines.
140	Gabrielson	Describes a case where the signs were posted improperly and a citation was issued.
166	Kurt Curtis	Program Administrator, State Police, provides testimony in support of SB 452, issues discussed: * citations issued per year * implementation of warning programs * forthcoming legislation on disabled signs
220	Chair Shannon	Closes public hearing on SB 452; opens informational meeting.
225	Sen. Dukes	Suggests that bill be amended to allow courts to waive fines for first time offenders.
<u>TRANSPORTATION SAFETY</u>		
240	Ed Marges	Manager, Transportation Safety, Oregon Department of Transportation (ODOT) submits handouts and provides overhead presentation on transportation safety issues (EXHIBIT C).
300	Sen. Dukes	Observes that Traffic Safety used to report to the Governor's office and that they now want some autonomy for their position so that it is not subdued by highway interests.
315	Marges	Continues with overhead presentation, issues discussed: * annual budget * grants process * contract administration
350	Marges	Continues with presentation on personal service contracts.
410	Marges	Continues with presentation on the department's five year strategic and staffing plan.
TAPE 28, B		
020	Marges	Continues with presentation on public information strategies.
	Chair	Asks about their total out-of-state budget and the number

030	Shannon	of employees.
032	Marges	Responds that their out-of-state budget is approximately at \$14,200 and they have 11 employees.
035	Chair Shannon	Asks if ODOT would pay airplane fares for conference presenters.
040	Marges	Responds that ODOT pays at times.
048	Chair Shannon	Comments on the blue star system which is used to indicate icy road conditions and asks why ODOT is spending \$75,000 to complete another study.
060	Marges	Responds that the person who completed the study came back with some questions on the scientific validity of the study.
089	Chair Shannon	Comments on the money being used to complete the study and asks if there will be a third study.
090	Marges	Agrees that it is a lot of money and that he does not expect a third study.
092	Chair Shannon	Asks what the legislature could do to move things along if it proves to be successful.
093	Marges	Responds that it would be up to the committee to introduce legislation.
095	Sen. Dukes	Comments on the blue star company who had wanted the legislature to mandate use of the system and the question of liability if there was an accident.
120	Sen. Yih	Comments about Mr. Marges' request for three staffing positions and asks if the positions would be doing work statewide or whether they would only support the Salem area.
124	Marges	Responds that the positions are statewide and describes the five year plan process which would include five region representatives.
137	Sen. Yih	Asks if planning a major event would include coordination with the Safety and Training Coordinator.
140	Marges	Responds that it would require coordination if it were a traffic or transportation safety event.
158	Sen. Yih	Asks if ODOT is looking at changing speed limits for the state and if they have any suggested recommendations.
166	Marges	Responds that they do have speed limit recommendations for interstate roads only which are 70 mph for automobiles and 65 mph for trucks.
180	Sen. Yih	Asks if ODOT is sponsoring the proposed speed increase legislation.
182	Marges	Responds that Sen. Randy Miller has introduced proposed legislation to increase speed limits and that he has been

		working with ODOT on the proposed legislation.
200	Sen. Yih	Asks for clarification that Sen. Miller's bill is based on ODOT's recommendation and other agencies.
205	Marges	Responds that Sen. Miller's proposal is to increase the speed limit to 75 mph and further describes ODOT's efforts in the proposal.
208	Sen. Yih	Refers to conversation with superintendent of police who stated that if speed limits increased, staffing levels would need to increase.
210	Marges	Refers to handout which shows increase in patrol staffing services and agrees that more patrolmen are needed.
226	Sen. Yih	Comments on the police superintendent's recommendation that if speed limits increased there would need to be sufficient monitoring.
230	Walter Pendegrast	Former Traffic Safety Department Chair, comments on the police superintendent's statement.
250	Chair Shannon	Refers to Central Assessment charges (2/21 meeting handout, Exhibit C) and asks about the child care assessment fees.
263	Marges	Responds that their department pays \$168,000 in annual assessment fees.
265	Chair Shannon	Asks Mr. Marges if his employees use child care services in lieu of other benefits.
270	Marges	Responds that none of his employees uses child care services.
270	Pendegrast	Provides recommendation that Safety remain with ODOT only if there is a direct line of communication between the head of the safety department and the director of ODOT.
320	Pendegrast	Continues with ODOT recommendations, issues discussed: * utilizing program coordinators * posting safety signs * use of video cameras inside police cars
370	Chair Shannon	Asks about the number of police cars with video cameras.

373	Pendegrast	Replies that he did not know the number.
420	Pendegrast	Restates the importance in sharing safety recommendations with the ODOT director.
TAPE 29, B		
025	Sen. Yih	Asks if video mounts would allow police cars to view incidents on the spot.
035	Pendegrast	Responds that he did not know if a video screen was included.
039	Sen. Yih	Asks if permission was required to video tape incidents.
040	Pendegrast	Responds that permission is not required.
040	Sen. Dukes	Asks Mr. Pendegrast if he would prefer that Safety become their own department again under the Transportation Commission.
060	Pendegrast	Responds that his recommendations would be to open a direct line of communication to the ODOT director.
063	Sen. Dukes	Comments on the assessment fees and whether it would be financially prudent to procure services from the outside.
080	Chair Shannon	Closes public hearing and opens a work session for introduction of committee bills.
<u>INTRODUCTION OF COMMITTEE BILLS</u>		
088	Sen. Yih	MOTION: Moves LC 2547, DATED 3/3/97 BE INTRODUCED as a committee bill. EXCUSED: 1 - Baker
089	Chair Shannon	Hearing no objection, declares the motion CARRIED. (LC 2547 ADOPTED as SB 844)
090	Chair Shannon	Adjourns meeting at 2:55 p.m.

Submitted By, Reviewed By,

Nora Carlson, Lin Ludwick,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 452, testimony and written materials, Sen. Ginny Burdick, 60 pp

B - SB 452, testimony and written materials, Randy Weisberg, 14 pp

C - Transportation Safety, written materials, Ed Marges, 8 pp
