

SENATE COMMITTEE ON TRANSPORTATION

**April 30, 1997 Hearing Room D**

**1:00 PM Tapes 72 - 73**

**MEMBERS PRESENT:**

**Sen. Marylin Shannon, Chair**

**Sen. Ken Baker, Vice-Chair**

**Sen. Joan Dukes**

**Sen. Gary George**

**Sen. Mae Yih**

**STAFF PRESENT:**

**Lin Ludwick, Administrator**

**Paul Zolezzi, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 1024 Public Hearing and Work Session**

**HB 2117 Public Hearing and Work Session**

**SB 1111 Public Hearing**

**SB 150 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 72, A</b>		
004	Chair Shannon	Convenes meeting at 1:15 PM and opens public hearing on SB 1024.
<b><u>SB 1024</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
022	Everett Cutter	Introduces himself as representing the Oregon Railroad Association and explains bill. Explains need for bill and states support for bill. Discusses accident statistics involving trains and vehicles. Submits

		and explains -1 amendments ( <b>EXHIBIT A</b> ).
094	Lynn Underhill	Introduces himself as representing the Willamette, Pacific, and Portland Western Railroads. Discusses anecdotal evidence in support of bill. States support for bill.
145	Mike Root	Introduces himself as representing Willamette Valley Railway and states support for bill. Explains need for bill.
198	Lieutenant Glen Rader	Introduces himself as representing the Oregon State Police and submits ( <b>EXHIBIT B</b> ). States support for bill and explains need. Discusses pertinent safety issues.
210	Sen. Baker	Discusses section 1 (4) of bill. Asks how removing liability from railroad owners will address safety issues.
215	Underhill	Explains section 1 (4) of bill. States that railroads own lines as private property and trespassers should not be open to liability reimbursements.
252	Cutter	States that trespassers should not be liable for injuries or deaths resulting from train accidents under certain conditions.
260	Sen. Baker	States concern that railroad owners would be put in a class by themselves if liability responsibilities were removed. States support for removing Section 1 (4) of bill.
320	Sen. Dukes	States support of Sen. Baker's concern of liability issue. States concern about lines 1 and 2 of -1 amendments.
<b>TAPE 73, A</b>		
005	Cutter	States support for amending Section 1 (4) of bill. Discusses liability limitation issues.
038	Sen. Baker	States that bill should be referred to Business, Law and Government Committee unless Section 1 (4) and (5) are removed from bill. States support for bill with deletions.
058	Root	Discusses anecdotal evidence in support of bill. Discusses safety issues.
065	Sen. Yih	Asks how many times railroad companies have been sued in the past 10 years.
072	Root	Discusses law suit statistics. Discusses anecdotal evidence involving current law suit.
132	Chair Shannon	Closes public hearing on SB 1024 and opens work session.
<b><u>SB 1024</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
133	Sen. Baker	<b>MOTION: Moves to AMEND SB 1024-1 amendments dated 04/30/97 on page 1, by deleting lines 1 and 2.</b>
	Chair Shannon	<b>Hearing no objection, declares the motion CARRIED.</b>

140	Sen. Baker	<b>MOTION: Moves to ADOPT SB 1024-1 amendments dated 04/30/97.</b>
	Chair Shannon	Hearing no objection, declares the motion <b>CARRIED.</b>
150	Sen. Baker	<b>MOTION: Moves to AMEND SB 1024 on page 1, by deleting lines 10-13.</b>
	Chair Shannon	Hearing no objection, declares the motion <b>CARRIED.</b>
155	Sen. Baker	<b>MOTION: Moves SB 1024 to the floor with a DO PASS AS AMENDED recommendation.</b>
157		<b>VOTE: 4-1</b> <b>AYE: 4 - Baker, Dukes, George, Shannon</b> <b>NAY: 1 - Yih</b>
	Chair Shannon	<b>The motion CARRIES.</b> <b>SEN. SHANNON will lead discussion on the floor.</b>
165	Sen. Baker	Discusses liability issues relating to vehicle accidents involving trains.
210	Chair Shannon	Recesses meeting at 1:57 PM. Reconvenes at 2:18 PM. Opens public hearing on HB 2117.
<b><u>HB 2117</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
215	Paul Donheffner	Introduces himself as representing the Oregon State Marine Board and submits ( <b>EXHIBIT C</b> ). Explains bill and states support for bill. Discusses certification fee process and history. Contrasts to other states programs.
350	Sen. Yih	Discusses line 8 of bill. Asks why language is necessary.
355	Donheffner	Explains need for language in line 8 of bill.
<b><u>TAPE 72, B</u></b>		
010	Chair Shannon	Closes public hearing on HB 2117 and opens work session.
<b><u>HB 2117</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
013	Sen. Baker	<b>MOTION: Moves HB 2117 to the floor with a DO PASS recommendation.</b>
015		<b>VOTE: 3-1</b> <b>AYE: 3 - Baker, Dukes, Shannon</b>

		<b>NAY: 1 - Yih</b> <b>EXCUSED: 1 - George</b>
	<b>Chair Shannon</b>	<b>The motion CARRIES.</b> <b>SEN. BAKER will lead discussion on the floor.</b>
050	Chair Shannon	Closes work session on HB 2117 and opens public hearing on SB 1111.
<b><u>SB 1111</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
090	Sen. Eugene Timms	Introduces himself as representing Senate District 30 and explains bill. Discusses need for bill and states support for bill.
146	Sen. George	States concern about fiscal impact of bill.
158	Chair Shannon	Closes public hearing on SB 1111 and opens public hearing on SB 150.
<b><u>SB 150</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
182	Joan Plank	Introduces herself as representing the Oregon Department of Transportation (ODOT) and explains bill. Discusses possible impacts of bill.
210	Bernie Bottomly	Introduces himself as representing TriMet and explains workings of traffic control operating devices.
227	Sen. Dukes	States concern about ownership of traffic control signal operating devices. Discusses Section 3 (5) of -5 amendments.
230	Bottomly	Discusses road authority definition. Explains Section 1 (5) of bill. Discusses ownership of traffic control signal operating devices.
288	Sen. Baker	Discusses and explains Section 1 (5) of -5 amendments.
330	Sen. Dukes	States that local authorities will have flexibility to decide where to use signal control operating devices.
355	Sen. Baker	Discusses line 7 of -5 amendments. Discusses definition of "public transit vehicle."
385	Bob McKellar	Introduces himself as representing the Oregon Forest Products Transportation Association. Discusses concerns about bill and -5 amendments. States opposition to bill.
<b>TAPE 73, B</b>		
001	McKellar	Continues testimony in opposition to bill.
015	Sen. Dukes	Discusses language in original bill relating to road authorities.
055	Chair Shannon	Closes public hearing on SB 150. Discusses competitive government issues and makes associated announcements. Adjourns meeting at 3:00 PM.

Submitted By, Reviewed By,

Paul Zolezzi, Lin Ludwick,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - SB 1024 proposed amendments, Everett Cutter, 1 p.**

**B - SB 1024 written testimony, Lieutenant Glen Rader, 2 pp.**

**C - HB 2117 written testimony, Paul Donheffner, 9 pp.**

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