

SENATE COMMITTEE ON TRANSPORTATION

May 9, 1997 Hearing Room C

1:00 PM Tapes 82 - 85

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

MEASURES HEARD:

SB 1023 Public Hearing and Work Session

SB 1111 Public Hearing

SB 372 Public Hearing and Work Session

SB 950 Public Hearing

SB 664 Public Hearing and Work Session

SB 953 Public Hearing and Work Session

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 82, A		
004	Chair Shannon	Convenes meeting at 1:05 pm and opens public hearing on SB 1023.
<u>SB 1023 - PUBLIC</u>		

HEARING		
025	Pat Ehrlich	Association of Oregon Counties (AOC), testifies in opposition to SB 1023 (EXHIBIT A).
050	Bill Worcester	Marion County Department of Public Works, testifies in opposition to SB 1023 (EXHIBIT B).
220	Jim Buisman	Public Works Director, Lincoln County, testifies in opposition to SB 1023.
277	Sen. Baker	States his support for the bill's concept, but asks why they could not just have the road authority identify roads it wouldn't apply to.
280	Buisman	Shares his concerns that there will be many roads that would fit into this category, and truckers would not know which roads bill applies to.
305	Scott Ashcom	Oregon Association of Nurserymen (OAN), and Pacific Northwest Christmas Tree Grower's Association, testifies in support of SB 1023.
355	Ashcom	Continues testimony, explaining many of their farms could be run out of business if trucking companies cannot get the necessary permits to travel out to the farms.
390	Sen. Dukes	Shares concerns about this bill authorizing trucks to drive across centerlines. Asks if he thinks the trucks would still come if there was a flagger or some other mechanism in place to alert oncoming cars, especially those on rural roads.
417	Ashcom	Oregon Department of Transportation (ODOT), officials suggested to repaint the location of the lines, as well as some other technical changes.
TAPE 83, A		
001	Christina McNitt	Oregon Farm Bureau, testifies in favor of SB 1023 and compares statutes in neighboring states regarding truck length limits.
029	Terry Thompson	Tony DeSantos Christmas Trees, Silverton, Oregon. Explains intent of SB 1023 and testifies in support. Explains need for bill and discusses similar statutes in neighboring states.
037	Thompson	Addresses Sen. Dukes' concerns and states they are not asking for any exemptions from any of the rules and regulations.
071	Sen. Dukes	Asks for clarification that this bill arose from a problem with a tuck which couldn't get out without driving on gravel.
068	Thompson	Verifies that was the case and explains.
085	Sen. Duke	States she is more concerned about the center line than the edges, and asks if they could agree on an amendment that would make it an automatic permit.
090	Chair Baker	Closes public hearing on SB 1023 and asks for members views on this bill.
090	Chair Baker	States he would prefer to adopt the proposed -2 amendments and move the bill to the floor and let the House adjust it (EXHIBIT C).
102	Chair Baker	States Sen. Dukes has some legitimate concerns, and this is not quite the perfect solution yet.

105	Sen. Dukes	States she does not mean to hold this bill up, but opposes these amendments because she believes the change gives them outright authority to drive on any road, and states she fears it will be vetoed.
112	Chair Baker	Opens work session on SB 1023.
<u>SB 1023 - WORK SESSION</u>		
113	Sen. Baker	MOTION: Moves to ADOPT SB 1023-2 amendments dated 4/24/97.
122	Sen. Yih	Asks Sen. Dukes to explain her objection.
124	Sen. Dukes	Re-states her concerns about the broadness of the amendments and overall nature of bill.
133		Discussion held on issue of language and Sen. Dukes' concerns.
		VOTE: 3-1 AYE: 3 - Baker, George, Yih NAY: 1 - Dukes EXCUSED: 1 - Shannon
	Chair Baker	The motion CARRIES.
161	Sen. Baker	MOTION: Moves SB 1023 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-1 AYE: 3 - Baker, George, Yih NAY: 1 - Dukes EXCUSED: 1 - Shannon
	Chair Baker	The motion CARRIES. SEN. GEORGE will lead discussion on the floor.
169	Chair Baker	Asks administrator to prepare detailed statement addressing Sen. Dukes' concerns so the House can consider them.
172	Chair Baker	Closes work session on SB 1023, opens public hearing on SB 1111, and gives brief explanation of bill.
<u>SB 1111 - PUBLIC HEARING</u>		
		ODOT, testifies in support of SB 1111 (EXHIBIT D). States he also testified on this bill on April 21, 1997 (SEE MINUTES FROM APRIL

192	Mark Ford	21, 1997 MEETING). Discusses need to expand telecommunications to rural areas.
204	Chair Baker	Asks for and receives verification that Ford plans to address the fiscal impact of this bill.
254	Ford	Continues testimony, explaining ODOT's "green light project," and the future of advanced vehicle highway interaction.
304	Ford	Explains advantages of fiber optic networks and wireless technology.
354	Ford	States they are looking at this as a partnership between ODOT and the Department of Administrative Services (DAS).
394	Ford	Explains ODOT is investigating an ITS Strategic Plan, and gives details.
412	Chair Shannon	Notes arrival of certain witnesses and states they will temporarily move on to another bill.
391	Chair Shannon	Closes public hearing on SB 1111 and opens public hearing on SB 372.
<u>SB 372 - PUBLIC HEARING</u>		
400	Chair Shannon	Closes public hearing on SB 372 and opens work session on SB 372.
<u>TAPE 82, B</u>		
<u>SB 372 - WORK SESSION</u>		
002	Chair Shannon	States there are new amendments to this bill which have been hand-engrossed by Joan Robinson.
003	Sen. Dukes	Asks for and receives verification that these are the -5 amendments with the changes in language that they made (EXHIBIT E).
005	Kelly Taylor	Oregon Department of Transportation (ODOT), explains intent of -6 amendments (EXHIBIT F).
023	Sen. Baker	Asks for and receives clarification on language in the proposed -6 amendments.
031	Sen. Yih	Asks about language in the proposed -5 amendment regarding the "current deficit" and states she does not see it in the new amendment.
034	Taylor	Explains Legislative Counsel found language in section five which was clear and more to the point, so they put an actual definition on what the deficit was.
070	Sen. Baker	MOTION: Moves to ADOPT SB 372-6 amendments dated 5/9/97 and that the measure be FURTHER AMENDED on page 2, line 4, by deleting "costs to the " after "payment of " and on page 2, line 4, by restoring "administrative expenses of the " after "payment of ".
		VOTE: 5-0

		AYE: In a roll call vote, all members present vote Aye.
	Chair Shannon	The motion CARRIES. SEN. LIM will lead discussion on the floor.
080	Chair	Closes work session on SB 372 and re-opens public hearing on SB 1111.
<u>SB 1111 - PUBLIC HEARING</u>		
094	Sen. Baker	Asks Mark Ford to address the financial impacts of SB 1111.
092	Mark Ford	Oregon Department of Transportation (ODOT), discusses perceived fiscal impacts of SB 1111 (SEE LAST PAGE OF EXHIBIT D ABOVE).
128	Ford	Continues testimony.
148	Ginny Lang	US West Communications, shares her concerns about the language in the bill regarding "in-kind service" and rights-of-way.
178	Ford	Continues testimony.
210	Sen. Baker	States ODOT will determine specifics of contracts by rulemaking.
235	Lang	Re-states concern about bill language, and states they do not necessarily oppose this legislation, but are uncertain about where it leads.
268	Chair Shannon	Asks if it is necessary in areas where the fiber hasn't been laid, such as Bend or Burns.
270	Lang	Explains she understands they would combine working in I-84 and I-5 in the bid process with an approach that would take carriers out into the rest of the state.
281	Sen. Dukes	Asks if ODOT has sat down with all the pertinent parties to discuss the issue.
303	Ford	Explains they have set up an oversight committee which includes the consortium of local telecommunications companies to keep those lines of communication open and states they will be holding more of these meetings in the future.
320	Gary Bauer	Oregon Independent Telephone Association, discusses history of bill and bill stakeholders.
377	Chair	Closes public hearing on SB 1111 and opens public hearing on SB 950.
<u>SB 950 - PUBLIC HEARING</u>		
373	Jerry Purvis	Sheridan, Oregon, farmer, introduces wife Shirley and testifies in favor of SB 950 (EXHIBIT G).
396	Chair Shannon	Asks if they are still parachuting out of the Sheridan airport.
400	J. Purvis	States he thought everyone knew the parachuting center was closed

		down about two years ago.
431	Sen. Dukes	Asks what they are trying to accomplish with this bill.
441	Shirley Purvis	States all they want to do is license parachute facilities.
TAPE 83, B		
002	Sen. Dukes	Restates previous question.
004	S. Purvis	States they want to see rules and regulations for those who jump out of airplanes.
008	Chair Shannon	States she believes they still have the right to parachute out of any airport that receives federal funds. Adds she is not sure they can establish state rules that override federal ones.
014	S. Purvis	States this is more for privately owned airports that are for public use, like the one in Sheridan, and clarifies there were no federal funds that went to that facility.
019	Sen. Baker	Cites past county court decision which found that the county's regulation is limited because it is pre-empted by federal law, and states he would like to hear exactly what the federal law says.
048	Betsy Johnson	Manager, Aeronautics Division, ODOT, explains concerns of regional legal counsel for the Federal Aviation Administration about the amendments as they relate to federal preemption.
189	Rod Johnson	Former Senator, District 23, explains United States Parachute Association (USPA) rules and regulations.
224	Urban Moore	Owner, Eugene Skydivers, Creswell Municipal Airport, discusses insurance policies, rules, and regulations of USPA.
248	Sen. Baker	Asks where jurisdiction of federal and state property divide.
249	Moore	Explains anything that occurs on the ground is the domain of the state, whereas all airspace is federal. Discusses trespassing laws pertaining to parachuting.
305	Sen. George	Asks who would ultimately be held responsible, the operator of the plane, or the person who lands on private property.
316	R. Johnson	States he would sue both the operator and the jumper, because they are both liable.
379	Moore	Discusses Federal Aviation Regulations (FARs), section 105.
399	J. Purvis	States that the Federal Aviation Administration (FAA) did not enforce FAR Section 105.13, and there are no FAA laws that protect farmers like him.
TAPE 84, A		
010	Moore	References letter from Steven G. Albert at the Flight Standards District Office stating that under FAR section 105.13 no person may parachute if it will create a hazard to people or property on the surface.

025	B. Johnson	Suggests the ODOT Aeronautics Division sit down with interested parties to reach common ground (EXHIBIT H) .
097	Chair Shannon	States she believes the purpose of SB 950 is to give some protection to people on the ground near airports, not to over-regulate the sport of skydiving.
104	R. Johnson	Responds that he believes the real motivations of the people behind this bill are to stop skydiving entirely, and testifies in opposition to SB 950 (EXHIBIT I) .
154	R. Johnson	Continues testimony.
236	R. Johnson	Continues testimony.
240	R. Johnson	Urges committee to kill SB 950 and concludes testimony.
280	Ernie Kunze	Private farmer, testifies in favor of SB 950.
325	Ron Heyerly	Neighbor of Mollala Jump Center, testifies in favor of SB 950 (EXHIBIT J) .
TAPE 85, A		
015	Heyerly	Continues testimony.
070	B. Johnson	States she has spent time at Kunz's house with a decibel meter observing the operations, and would be willing to do it again.
084	Mark Luedtke	Private pilot, testifies in opposition to SB 950 (EXHIBIT K) .
161		Discussion held on airport operations and issue of noise.
199	Chair Shannon	Closes public hearing on SB 950 and instructs B. Johnson to meet with all parties and bring back a report. Opens public hearing on SB 664.
<u>SB 664 - PUBLIC HEARING</u>		
216	Marshal Coba	Oregon Trucking Association (OTA), testifies in support of SB 664 (EXHIBIT L) .
235	Coba	Clarifies the proposed -1 amendments were distributed at the last meeting (EXHIBIT M) .
237	Chair Shannon	Closes public hearing on SB 664 and opens work session on SB 664.
<u>SB 664 - WORK SESSION</u>		
244	Sen. George	MOTION: Moves to ADOPT SB 664-1 amendments dated 4/17/97.
	Chair Shannon	Hearing no objection, declares the motion CARRIED.
247	Sen. George	MOTION: Moves SB 664 to the floor with a DO PASS AS AMENDED recommendation.

		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Dukes, Yih
	Chair Shannon	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
238	Chair Shannon	Closes work session on SB 664 and opens public hearing on SB 953.
<u>SB 953 - PUBLIC HEARING</u>		
259	Marshal Coba	Oregon Trucking Association, testifies in support of SB 953, and explains intent of proposed -1 amendments (EXHIBIT N).
283	Chair Shannon	Closes public hearing on SB 953 and opens work session on SB 953.
<u>SB 953 - WORK SESSION</u>		
287	Sen. Baker	MOTION: Moves to ADOPT SB 953-1 amendments dated 4/17/97.
	Chair Shannon	Hearing no objection, declares the motion CARRIED.
290	Sen. Baker	MOTION: Moves SB 953 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Dukes, Yih
	Chair Shannon	The motion CARRIES. Sen. SHANNON will lead discussion on the floor.
300	Chair Shannon	Closes work session on SB 953 and adjourns meeting at 4:50 pm.

Submitted By, Reviewed By,

Paul Zolezzi, Lin Ludwick,

Administrative Support Administrator

Transcribed By,

Julie Havel

Administrative Support

EXHIBIT SUMMARY

A - SB 1023, written testimony, Pat Ehrlich, 1p.

B - SB 1023, written testimony, Bill Worcester, 15pp.

C - SB 1023, proposed -2 amendments, staff, 1p.

D - SB 1111, written testimony, Mark Ford, 7pp.

E - SB 372, proposed -5 amendments, staff, 4pp.

F - SB 372, proposed -6 amendments, Kelly Taylor, 5pp.

G - SB 950, written testimony & correspondence, Shirley & Jerry Purvis, 10pp.

H - SB 950, written testimony, Betsy Johnson, 2pp.

I - SB 950, written testimony & correspondence, Rod Johnson, 7pp.

J - SB 950, documentation, Ron Heyerly, 2pp.

K - SB 950, written testimony & correspondence, Mark Luedtke, 2pp.

L - SB 664, submitted letter, Marshal Coba, 1p.

M - SB 664, proposed -1 amendments, Marshal Coba, 2pp.

N - SB 953, proposed -1 amendments, staff, 1p.
