

SENATE COJ ~1\IITTEE ON
TRANSPORTATION

May 4, 1995 Hearing Room C
1:15 PM Tapes 63 - 64

MEMBERS PRESENT:

Sen. Ken Baker, Chair
Sen. Mae Yih, Vice-Chair
Sen. John Lim
Sen. Marilyn Shannon

MEMBER EXCUSED:

Sen. Dick Springer

STAFF PRESENT:

Janet Adkins, Committee Administrator
Gina Rumbaugh, Committee Assistant

MEASURES HEARD: SB 708 Work Session 11B 2578 Public Hearing SB 1149 Public Hearing

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

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TAPE 63, SIDE A

003 CHAIR BAKER: Calls the meeting to order (1 :25PM). Introductory remarks

WORK SESSION ON SB 708

Witness: Doug Tindall, field Operations Engineer, Oregon Department of Transportation

005 ADMINISTRATOR ADKINS: Reviews SB 708 and SB 708-5 amendments [EXHIBIT A].

025 CHAIR BAKER ASKS IF THERE ARE ANY OBJECTIONS TO THE SB 708-5 AMENDMENTS DATED 5/3/95

SEN. LIM: What is the difference between the current studded tire and this one?

DOUG TINDALL, HELD OPERATIONS ENGINEER, ODOT: The current weights of studs run from 2.3 to 2.5 grams.

045 SEN. YIH: Explains she will vote no on the amendment because she feels heavyweight studs

provide safety, which is much more important than damage to the road.

Believe users will be

willing to pay for whatever extra cost there is to the roads.

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TINDALL: Scandinavian studies indicate there is no difference in traction between a lightweight stud and the regular stud--the traction on ice is the same.

SEN. YIH: Is there an American study on the effect of lightweight studs on our own roads?

TINDALL: I'm only familiar with studies from foreign countries.

SEN. YIH: Until I see a study that's done in our own country and on our own roads using our own studs, I cannot support it.

TINDALL: The studs tested in Sweden are the same type of lightweight studs we're talking about. The roadway surfaces in Sweden are not significantly different than ours.

SEN. YIH: Suggests a domestic study. Also suggests concentrating on

shortening the season for studded tire use, plus improving the pavement.

SEN. YIH OBJECTS TO THE SB 708-5 AMENDMENTS; OTHER SENATORS PRESENT DO NOT OBJECT; THE AMENDMENTS ARE ADOPTED

090 MOTION: CHAIR BAKER MOVES SB 708, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION

145 VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, AND SHANNON VOTE AYE; SEN. YIH VOTES NO; SEN. SPRINGER EXCUSED; THE MOTION CARRIES
Sen. Lim will lead discussion on the Floor.

WORK SESSION ON HB 2578

Witnesses: Marshall Coba, Oregon Trucking Associations
Steve Carson, Bear Cat Inc. and Berry Transport Inc.
Charles Tindall, Blue Line Transportation, Portland Motor Transport, &

Pelletrox

Bob Olson, Albina Fuel Company
Richard Peabody, Truck Driver, Bear Cat Inc.
Ron Trolle, Cummings Transfer Company
Jerry Bowen, Blue Line Transportation, Portland Motor Transport, &

Pelletrox

Steve McCoid, Association of Oregon Food Industries
Bob Russell, Transportation Program, Public Utility Commission (PUC)
Gary Oxley, United Grocers
Kathy Lucas, United Grocers
Bridget Flanagan, Public Affairs Director, Safeway NW Division

150 ADMINISTRATOR ADKINS: Reviews HB 2578-A.

180 MARSHALL COBA, OREGON TRUCKING ASSOCIATIONS: Supports HB 2578-A. It
will increase efficiencies and allow asphalt drivers to operate alongside
dump truckers which
have the same daily operating provisions currently. Do not believe it will
impact safety.

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195 STEVE CARSON, PRESIDENT, BEAR CAT INC. and BERRY TRANSPORT INC.:
Supports HB 2578-A. Submits and summarizes testimony EXHIBIT B], which

includes

informational material.

270 CHARLES TINDALL, BLUE LINE TRANSPORTATION, PORTLAND MOTOR
TRANSPORT, & PELLETROX: Supports HB 2578-A. Submits testimony EXHIBIT C].
Do not think safety would be jeopardized in any way.

280 CHAIR BAKER: Why is this bill limited only to liquid asphalt and road
construction
material? Why couldn't it apply to practically every truck driver in the
State of Oregon?

industry.
CARSON: It very easily could. I am concerned only with the asphalt

310 ADMINISTRATOR ADKINS: What other liquids other than liquid asphalt are
associated with

road construction?

CARSON: Some fuel oils, several emulsified asphalts, plus dust-abatement
products.

330 SEN. YIH: The original bill would have affected \$2.3 million of federal
truck safety funds.

Can you explain that?

CARSON: The PUC had a concern that the original bill would require the
state to do an
illegal act which would be deprive them of certain federal funds, so we
eliminated that portion.

Further explains and expands on what was specifically eliminated--a 24-hour

restart.

390 BOB OLSON, ALBINA FUEL CO.: Supports HB 2578-A. Submits and summarizes
testimony EXHIBIT D], which also includes letter signed by drivers.
420 RICHARD PEABODY, TRUCK DRIVER, BEAR CAT INC.: Supports HB 2578-A.
Submits and reads testimony EXHIBIT E].

TAPE 64, SIDE A

015 RON TROLLE, CUMMINGS TRANSFER COMPANY: Supports HB 2578-A. Submits
and reads testimony EXHIBIT P].

070 JERRY BOWEN, BLUE LINE TRANSPORTATION, PORTLAND MOTOR
TRANSPORT, and PELLETROX: Supports HB 2578-A. Submits and reads testimony
EXHIBIT G].

105 STEVE MCCOID, ASSOCIATION OF OREGON FOOD INDUSTRIES: Supports an
amendment to be presented by Gary Oxley EXHIBIT HJ.

150 BOB RUSSELL, TRANSPORTATION PROGRAM, PUC: Opposes HB 2578-A. Submits
and reads testimony EXHIBIT 11.

220 SEN. LIM: Do you think this will cause more accidents, and do you have
studies?

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RUSSELL: There are voluminous studies that say the longer you work, the
more tired you will get, and the more likely you are to have an accident.

250 SEN. YIH: While a driver may drive a maximum of 12 hours within a
15-hour period, there's nothing to stop the driver from taking a coffee break if he feels tired, is
there?

RUSSELL: There's nothing in the regulations that would prohibit drivers
from taking a break.

265 CHAIR BAKER: It seems contradictory that dump truck drivers are
permitted to drive 12 hours a day without increased accident rates. However, you say the
scientific evidence indicates that extending the hours for truck drivers will lead to an
increase in accidents.

RUSSELL: That is correct, but in the interest of highway safety, the
commission made the decision to reject the proposal to extend the hours.

SEN. SHANNON: Is there an upper age limit on truck drivers?

RUSSELL: I'm not aware of an upper age limit.

295 GARY OXLEY, UNITED GROCERS: Supports HB 2578-A and introduces HB 2578-A2
amendments, Exhibit H.

340 KATHY LUCAS, UNITED GROCERS: Supports HB 2578-A with HB 2578-A2
amendments. Submits and reads testimony [EXHIBIT 11.

385 -Distribution centers, page 3

TAPE 63, SIDE B

001 BRIDGET FLANAGAN, PUBLIC AFFAIRS DIRECTOR, SAFEWAY NW DIVISION:
Supports HB 2578-A with HB 2578-A2 amendments. Submits and reads testimony
[EXHIBIT K].

055 CHAIR BAKER: Are your drivers generally in favor of the proposed
amendment?

FLANAGAN: Yes, they were delighted to learn about the 10 hour--the
increase.

SEN. SHANNON: Mr. Carson, are these amendments acceptable to you?

CARSON: Yes.

PUBLIC HEARING ON SB 1149 Witnesses: Mike Meredith, Oregon Trucking Associations
Mike Crew, Counsel for Oregon Trucking Associations
Joan Smith, Commissioner, Public Utility Commission (PUC)
Ban Wallace, Chief Financial Officer, Oregon Department of Transportation

080 MIKE MEREDITH, OREGON TRUCKING ASSOCIATIONS: Supports SB 1149.

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100 MIKE CREW, COUNSEL FOR OREGON TRUCKING ASSOCIATIONS: Supports HB 1149, but do not support Section 1 (3) regarding transfer of employees.
130 -Lists several states that have done away with their motor carrier programs and states with pending legislature to do the same thing
-Trucking industry rates and profits are dropping because of competition; steps must be taken in order to minimize some costs

MEREDITH: ODOT, the PUC, and the OSP are all excellent agencies, and discussions are absolutely essential.

175 JOAN SMITH, COMMISSIONER, PUC: Per the committee's request, responds to a number of specific issues on SB 1149. Submits and reads testimony [EXHIBIT y. 230 -Rail Program, page 2 280 Track inspectors, page 3

325 CHAIR BAKER: "It was explained to me today that you have something like 71 positions on weight and mile tax administration, and yet you only have 55 people that are actually doing that, and the other 16 people are using highway trust funds to do non-highway trust fund work. Can you explain that? Is that information correct?"

SMITH: "I don't know if it's correct or not. I heard about it this afternoon before we came here. It is simply one of a number of unsubstantiated allegations that the PUC is doing something wrong with the money that is allocated to the highway trust fund. If it is true, I believe the truth can only be discovered if there is a cost allocation study done of the PUC by an independent entity.

"The numbers that you have seen, as I understand them, were gathered anecdotally through interviews with our staff. Each staff member was interviewed individually. None of our staff members, as able as they are, knows the whole picture. Nor were they prepared to go through number by number each of our programs which, as you may recall, are in three separate appropriation units--utility, policy and administration, and transportation. I feel that such an allegation is unfair unless and until we can all investigate what it means and if it is true. My guess is it isn't, but I don't know."

CHAIR BAKER: "It might be my intention to write a letter to the governor today and ask him to commence an investigation."

SMITH: "And you would have our full and open support and cooperation. I would like to urge the committee, the legislature, and all those who are interested in the issues you are trying to tackle in these days, to make all of the investigations as open and as fair as possible. I don't think anyone who has been involved with them to date, and they started some two months ago I believe, is found that the PUC has tried to obstruct or keep back information. Instead, we have put out everything we have, and we gladly do so again, notwithstanding all the rumors and the allegations that

have been made."

380 CHAIR BAKER: Calls forward Ben Wallace of ODOT. "We've asked you to answer some questions. It came to our attention today also that there may be as many as 16 positions being illegally used and funded by public funds. Could you comment on that?"

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SENATE TRANSPORTATION May 4,1995 - Page 6 BEN WALLACE, CHIEF FINANCIAL I)FFICER, ODOT: "I will describe to you the process that we used to develop our information on the PUC. We first sat down and interviewed, at length, all of the PUC managers related to the transportation program, and the management in their Policy and Administration group. Approximately 10 interviews. Our purpose was to understand their organization so that we might make a prudent judgment about what efficiencies could be achieved in combination of the organizations, particularly in the area of Policy and Administration.

"Part of our information was obtained in direct conversation with the PUC managers, part of it was obtained as a function of their internal allocations schedule—a chart of percentages, if you will, that shows how they charge and fund their various departments--highway versus utility. "As we went through that analysis on a percentage basis, we did determine that approximately 71 positions in Policy and Administration, out of a total of 97, were funded by transportationthat's simply an arithmetic calculation.

"Based on our interviews with the individuals involved, it appeared that there was less work transportation related. However, it's obviously something that would have to be reviewed further to determine to what degree that was in fact an issue.

"The area that appeared to be the clearest on this point was the Office of the Commission at PUC, where their statistics show that approximately-8090 funded by transportation. But we have direct input that, in fact, that it's more like 90% utility related. And it was based on the direct input from PUC that those observations were made. And I might add, with respect to the Office of the Commission, I believe that we would have acknowledgment from them that, in fact, that was correct in that particular situation. Nonetheless, obviously it requires additional scrutiny to determine the actual degree that there's an issue here.

"Does that aufficiently answer your question on that issue?"

CHAIR BAKER: "You've indicated that 71 positions are funded with highway trust funds?"

WALLACE: "Approximately, yes."

CHAIR BAKER: "And, do you have any preliminary estimates how many actual people are working in those areas?"

WALLACE: "Based on the interviews, 58."

TAPE 64, SIDE B

015 CHAIR BAKER: Asks Mr. Wallace to address some of the issues regarding the business plan.

WALLACE: Reviews business plan, beginning with administrative preparation. 045 Answers specific questions raised by the committee regarding communication, the direct appointment process, and efficiencies. Submits

testimony tEXHIBIT M1. 100 -Summary of projected savings and intent of the bill

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115 CHAIR BAKER: We'll reserve our questions for next week. Adjourns the meeting (2:55PM).

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - SB 708-5 Amendments-Staff-1 page
- B - Testimony and informational material on HB 2578-Steve Carson-16 pages
- C - Testimony on HB 2578-Charles Tindall-3 pages
- D - Testimonv and letter on HB 2578-Bob Olson-3 pages
- E - Testimonv on HB 2578-Richard Peabody-1 page
- F - Testimony on HB 2578-Ron Trolle-2 pages
- G - Testimonv on HB 2578 -- Jerry Bowen-1 page
- H - HB 2578-A2 Amendments-Staff-1 page
- I - Testimonv on HB 2578-Bob Russell-5 pages
- J - Testimonv on HB 2578-Kathv Lucas-5 pages
- K - Testimonv on HB 2578-Bridget Flanagan-2 pages
- L - Testimonv and charts on SB 1149-Joan Smith-6 payes
- M - Testimonv and charts on SB 1149-Ben Wallace-8 pages

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