

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 68

MEMBERS PRESENT:

Sen. Ken Baker, Chair
Sen. Mae Yih, Vice-Chair
Sen. John Lim
Sen. Marylin Shannon
Sen. Dick Springer

STAFF PRESENT:

Janet Adkins, Committee Administrator
Gina Rumbaugh, Committee Assistant

MEASURES HEARD:

HB 2486 Public Hearing
HB 2105 Public Hearing and Work Session
HB 2520 Public Hearing and Work Session
HB 3221 Public Hearing and Work Session
HB 2390 Public Hearing and Work Session
HB 2756 Public Hearing and Work Session
HB 2759 Public Hearing and Work Session

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.

TAPE , SIDE A

003 CHAIR BAKER: Calls the meeting to order (1:22PM).
-Announces today's meeting is scheduled to be the last
-States why HB 2955 will not be reconsidered as noted on agenda

PUBLIC HEARING ON HB 2486

Witnesses: Representative Peter Courtney, House District 33, State of Oregon
Joan Plank, Oregon Department of Transportation
Dave Wylie, Seaplane Pilots Association
Paul Donheffner, Director, State Marine Board
Sue Hanna, Legislative Counsel

020 REP. PETER COURTNEY, HD 33, STATE OF OREGON: Supports HB 2486-A. Explains effects of the bill and gives brief history. Submits testimony and letter from National Transportation Safety Board [EXHIBIT A].

060 JOAN PLANK, ODOT: ODOT worked with Rep. Courtney and supports HB 2486-A.

065 DAVE WYLIE, SEAPLANE PILOTS ASSOCIATION: Supports HB 2486-A.

075 PAUL DONHEFFNER, DIRECTOR, STATE MARINE BOARD: Supports HB 2486-A. Notes he has some reservations regarding the in-flight exemption.

125 SEN. LIM: How many seaplanes are there in Oregon?

WYLIE: Approximately 80.

SEN. SPRINGER: What about the Columbia River where there are two jurisdictions?

DONHEFFNER: It would only apply to waters of this state, the south side of the border.

SEN. SPRINGER: Does Washington state have any kind of reciprocity agreement with us?

SUE HANNA, LEGISLATIVE COUNSEL: We have an arrangement to enforce the boating laws all over the Columbia River. At the time the seaplane is on the water, it would be treated as a boat for those purposes.

DONHEFFNER: Confirms Oregon and Washington have a compact for reciprocity of boating law regulations.

175 SEN. YIH: If you zone certain areas for no landing, will people be able to see those areas?

WYLIE: The purpose of this bill is to identify those areas where it's not safe for a seaplane to operate, and to communicate that information to pilots and others.

SEN. YIH: How can you see from the air those areas are not for landing?

WYLIE: The Marine Board has publications regarding boating facilities and other rules and regulations for lakes and rivers. It's not that difficult to know or to see from the air.

PUBLIC HEARING ON HB 2105

Witnesses: Greg Malkasian, Transportation Safety, Public Utility Commission (PUC)

Paul Henry, Transportation Safety, Public Utility Commission (PUC)
Everett Cutter, Oregon Railroad Association
Marshall Coba, Oregon Trucking Associations

240 GREG MALKASIAN, TRANSPORTATION SAFETY, PUC: Supports HB 2105-A. Submits and reads testimony [EXHIBIT B].

300 -In response to Sen. Lim, defines hazardous material as any material that, if released, could be a hazard to the public

PAUL HENRY, TRANSPORTATION SAFETY, PUC: Hazardous materials range throughout a multitude of classifications--including poisons, explosives, and radioactive materials. Gasoline is a hazardous material.

SEN. LIM: Does the PUC have proper training and knowledge to enforce federal regulations?

HENRY: Yes.

345 SEN. SHANNON: Who has the responsibility for inspecting these now?

HENRY: The PUC.

365 ADMINISTRATOR ADKINS: Clarifies the PUC already enforces against trucking companies and railroads, but not against shippers, for hazardous materials.

385 SEN. YIH: If the trucker gets a citation, who is responsible for paying the citation?

MALKASIAN: Currently, the motor carrier has full responsibility.

-With passage of this bill, the party responsible for the violation will be responsible for paying the citation. We would have authority over both carrier and shipper. Gives example.

440 SEN. SPRINGER: Who tacked on Sections 6 and 7?

MALKASIAN: They were added to meet the concerns of Associated Oregon Industries (AOI).

SEN. SPRINGER: Explains his concern about the language and thinks it's unnecessary.

TAPE 68, SIDE A

030 MALKASIAN: One thing that's different about a shipper than a motor carrier is they are continually providing generally the same type of product into the transportation stream, where a motor carrier would be transporting for different shippers all the time. We would use the approach of education in dealing with a shipper to identify a problem and have it resolved.

SEN. SPRINGER: At the appropriate time, I will make a motion to delete those sections.

055 EVERETT CUTTER, OREGON RAILROAD ASSOCIATION: Supports HB 2105-A for the primary reason that railroads carry great quantities of hazardous materials.

075 MARSHALL COBA, OREGON TRUCKING ASSOCIATIONS: Supports HB 2105-A.

WORK SESSION ON HB 2105

080 MOTION: SEN. SPRINGER MOVES TO AMEND HB 2105-A AND DELETE SECTIONS 6 AND 7

SEN. YIH: What's the rationale for Section 7?

CHAIR BAKER: Apparently this is an amendment suggested by AOI who feel shippers should have some additional notice to correct a violation.

ADMINISTRATOR ADKINS: This issue has been around for three sessions.

SEN. YIH: Is Section 7 consistent with the federal regulations?

MALKASIAN: I don't believe there is a five-day notice in the federal

penalty structure.

115 DAVE BARROWS, CHEMICAL WASTE MANAGEMENT: Have worked some with AOI, and they feel very strongly about this section. Explains rationale for the five-day notice for shippers to correct a violation.

CHAIR BAKER: Why should we give shippers a five-day leeway and not the carrier?

BARROWS: AOI has traditionally opposed this legislation, but are now in support of the bill with the changes made in the House. If this section comes out, their position would change to one of opposition.

140 SEN. LIM: The cargo that might happen to be the hazardous material might already have gone somewhere else within the five-day period without any penalty imposed.

BARROWS: Most people who introduce hazardous materials are in commerce on a regular basis.

190 MALKASIAN: In response to Sen. Yih, gives example and further explains scope and intent of five-day notice.

270 CHAIR BAKER: Repeats Sen. Springer's motion to delete Sections 6 and 7 from HB 2105-A.

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, LIM, AND SPRINGER VOTE AYE; SEN. SHANNON AND YIH VOTE NO; THE MOTION CARRIES

MOTION: SEN. SPRINGER MOVES HB 2105-A, AS AMENDED, BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, ALL MEMBERS ARE PRESENT AND VOTE AYE; THE MOTION CARRIES

Sen. Springer will lead discussion on the Floor.

PUBLIC HEARING ON 2520

Witnesses: Joe French, Oregon Forest Products Transportation Association

290 ADMINISTRATOR ADKINS: Reviews HB 2520.

320 JOE FRENCH, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION: Supports HB 2520. Submits and reads testimony [EXHIBIT C].

WORK SESSION ON HB 2520

350 MOTION: CHAIR BAKER MOVES HB 2520 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

ADMINISTRATOR ADKINS: In response to Sen. Yih, discusses revenue impact.

VOTE: IN A ROLL CALL VOTE, ALL MEMBERS ARE PRESENT AND VOTE AYE; THE MOTION CARRIES

Sen. Yih will lead discussion on the Floor.

PUBLIC HEARING ON HB 3221

Witnesses: Steve Johnston, Motor Carrier Services, Oregon Dept. of

Transportation (ODOT)

395 ADMINISTRATOR ADKINS: Reviews HB 3221-A.

TAPE 67, SIDE B

015 STEVE JOHNSTON, MOTOR CARRIER SERVICES, ODOT: Our bridge engineers indicate HB 3221-A would not have a significant impact on the highway system, and they are not opposed. Submits memo [EXHIBIT D].

CHAIR BAKER: Asks if witnesses Mike Meredith from Oregon Trucking Associations and Joe French from Oregon Forest Products Transportation Association are in favor of the bill. They both respond yes.

WORK SESSION ON 3221

025 MOTION: CHAIR BAKER MOVES HB 3221-A BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

ADMINISTRATOR ADKINS: Again reviews HB 3221-A.

VOTE: IN A ROLL CALL VOTE, ALL MEMBERS ARE PRESENT AND VOTE AYE; THE MOTION CARRIES

Sen. Lim will lead discussion on the Floor.

PUBLIC HEARING ON HB 2390

Witnesses: Roger Robinson, Oregon Paralyzed Veterans of America
Kelly Taylor, Driver and Motor Vehicle Services (DMV)
Keith Miller, National Organization of Veterans

050 ADMINISTRATOR ADKINS: Reviews HB 2390-A. Notes she received a phone call from a disabled veteran who is opposed to the bill.

090 ROGER ROBINSON, OREGON PARALYZED VETERANS OF AMERICA: Also represents United Veterans Groups of Oregon. Supports HB 2390-A. Hanging placards are more visible to enforcement persons; this bill would clear up confusion.

120 KELLY TAYLOR, DMV: DMV can implement the bill. Requests effective date of 1/1/96.

130 KEITH MILLER, NATIONAL ORGANIZATION OF VETERANS: Also represents the National Alliance of American Veterans. Opposes HB 2390-A, and lists reasons why. Submits informational sheet [EXHIBIT E].

CHAIR BAKER: Aren't those fairly minimal restrictions, such as the \$4 fee?

MILLER: Yes, the fee itself is nominal, but the cost is going outside of the VA to get a doctor to sign a certificate of disability--that's where the cost is involved.

CHAIR BAKER: Ms. Taylor, can we get around that some way?

TAYLOR: We do receive applications for disabled parking permits signed by doctors of the Veterans Administration today--they don't need to go to a private doctor.

170 SEN. SHANNON: Concern for misuse of placards by relatives and friends.

Don't understand why volunteers are confused by a veterans plate--it's basically the same as a placard.

TAYLOR: The problem with plates is that multiple people can be on the registration of a car; the plate identifies a car, not a person.

MILLER: Placards are stolen all the time, whereas plates don't usually get stolen. Gives brief history of disabled parking laws. Every state has a disabled person's plate except for Oregon. Every state has a free disabled veterans license plate that affords disabled veterans parking privileges. This is the 50th anniversary of the close of W.W.II.

CHAIR BAKER: Interrupts Mr. Miller.

WORK SESSION ON HB 2390

220 MOTION: SEN. LIM MOVES TO AMEND HB 2390-A TO MAKE 1/1/96 THE EFFECTIVE DATE

VOTE: HEARING NO OBJECTIONS, THE AMENDMENT IS ADOPTED

MOTION: SEN. LIM MOVES HB 2390-A, AS AMENDED, BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

SEN. SHANNON: Asks if passage of the bill will make it tougher on veterans.

CHAIR BAKER: If you mean that they need to get a signature from the veterans doctor and send in a \$4 fee, then yes, but then we've standardized the entire state.

245 SEN. YIH: Instead of displaying it on the dashboard, it's going to be on the rearview mirror?

TAYLOR: We'll determine placement of placard by rule. We'll probably hang the placard with provisions for not hanging it in certain vehicles.

SEN. SHANNON: Then there's no value to a disabled veterans license plate?

TAYLOR: It would go back to an original Oregon policy which is service of country recognition. The parking privileges were adopted at a later date.

SEN. LIM: How many disabled veterans plates are in our state?

TAYLOR: We've issued approximately 1,800.

275 SEN. LIM: Could we waive the \$4 fee for disabled veterans in order to honor them?

TAYLOR: Notes several concerns for waiving the fee, including cost recovery.

330 MOTION: SEN. SHANNON MOVES TO AMEND HB 2390-A TO DELETE REQUIREMENT OF A PLACARD FEE FOR DISABLED VETERANS

ADMINISTRATOR ADKINS: In response to Sen. Yih, addresses revenue impact.

VOTE: IN A ROLL CALL VOTE, SENS. LIM, SHANNON, AND YIH VOTE AYE; SEN. BAKER VOTES NO; SEN. SPRINGER EXCUSED; THE AMENDMENT IS ADOPTED

380 MOTION: CHAIR BAKER MOVES HB 2390-A, AS AMENDED, BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, FOUR MEMBERS PRESENT VOTE AYE; SEN. SPRINGER EXCUSED; THE MOTION CARRIES

Chair Baker will lead discussion on the Floor. [Correction made following the meeting:

Sen. Yih will lead discussion on the Floor for HB 2390-A.]

PUBLIC HEARING ON HB 2756

Witnesses: Robert Greenstreet, Oregon Off-Highway Vehicle Association
Joanne Peterson, Driver and Motor Vehicle Services (DMV)

395 ADMINISTRATOR ADKINS: Reviews HB 2756-A.

TAPE 68, SIDE B

010 ROBERT GREENSTREET, OREGON OFF-HIGHWAY VEHICLE ASSOCIATION: Supports HB 2756-A. Submits testimony on both HB 2759-A and HB 2759-A [EXHIBIT F].

040 ADMINISTRATOR ADKINS: What will street legal motorcycles have to do under this bill?

GREENSTREET: They will be able to get an off-highway permit which would be the same as the Class II ATVs.

065 JOANNE PETERSON, DMV: DMV can implement the bill. Submits and summarizes testimony [EXHIBIT G].

ADMINISTRATOR ADKINS: Are there lower age limits for operating the Class I and II ATVs currently?

PETERSON: I don't believe there's any restriction on age.

100 SEN. YIH: How are you going to create a safety course for Class III operators?

PETERSON: That's privately operated, however, we set the rules in terms of curriculum and instructor qualifications.

SEN. YIH: Do they pay for the classes?

PETERSON: Yes, up to \$5, and that includes issuance of the permit.

WORK SESSION ON HB 2756

135 MOTION: CHAIR BAKER MOVES HB 2756-A BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

SEN. LIM: Could a seven-year-old safely drive a Class III ATV?

CHAIR BAKER: Currently, kids are riding illegally; this at least gets them

some training.

VOTE: IN A ROLL CALL VOTE, SENS. BAKER, SHANNON, AND YIH VOTE AYE; SEN. LIM VOTES NO; SEN. SPRINGER EXCUSED; THE MOTION CARRIES

Chair Baker will lead discussion on the Floor.

PUBLIC HEARING ON HB 2759

165 ADMINISTRATOR ADKINS: Reviews HB 2759-A.

CHAIR BAKER: Currently, is there any requirement that children under the age of 18 wear helmets for Class I and Class III?

ADMINISTRATOR ADKINS: Evidently not.

CHAIR BAKER: Asks members if they have questions for Mr. Greenstreet. (Testimony on HB 2759 included in Exhibit F). Because no one has questions, Chair Baker does not call him forward to testify.

190 MOTION: CHAIR BAKER MOVES HB 2759-A BE SENT TO THE FLOOR WITH A DO PASS

RECOMMENDATION

SEN. YIH: Will not vote for the bill because she does not want to require helmets; she does not feel they should be mandated.

VOTE: IN A ROLL CALL VOTE, SENS. BAKER AND LIM VOTE AYE; SENS. SHANNON AND YIH VOTE NO; SEN. SPRINGER EXCUSED; THE MOTION FAILS

200 CHAIR BAKER: Adjourns the meeting (2:57PM).

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony and letter on HB 2486 -- Rep. Peter Courtney -- 3 pages
B - Testimony on HB 2105 -- Greg Malkasian -- 2 pages
C - Testimony on HB 2520 -- Joe French -- 1 page
D - Memo on HB 3221 -- Steve Johnston -- 1 page
E - Informational sheet on HB 2390 -- Keith Miller -- 1 page
F - Testimony on HB 2756 and HB 2759 -- Robert Greenstreet -- 1 page
G - Testimony on HB 2756 -- Joanne Peterson -- 2 pages