

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 10

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:

SB 236 Work Session
SB 332 Public Hearing and Work Session
Oregon State Police update on SB 784 (1993 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 (1:06PM).

PUBLIC HEARING ON SB 332

Witnesses: James Stevenson, Captain, Oregon State Police
John Hunsaker, Aircraft Coordinator, Oregon State Police
Everett Cutter, Manager, Oregon Railroad Association

005 ADMINISTRATOR ADKINS: Explanation of SB 332.

025 JAMES STEVENSON, CAPTAIN, OREGON STATE POLICE: Submits and summarizes written testimony [EXHIBIT A].

075 Video shown of Oregon State Police aircraft patrol monitoring vehicles crossing railroads without stopping as required.

145 SEN. SPRINGER: How many hours a month is the aircraft used for this purpose?

147 JOHN HUNSAKER, AIRCRAFT COORDINATOR, OREGON STATE POLICE: Depending on

weather, it has so far operated anywhere from 11 to 86 hours.

155 SEN. YIH: How much does this program cost?

158 STEVENSON: Responds with specific costs for the current and the next biennia.

175 SEN. SPRINGER: If a violation is contested, do both officers appear and testify in court?

173 STEVENSON: Yes.

190 SEN. LIM: Has speeding or other traffic violations decreased since last year?

195 STEVENSON: No indication there's been a decrease in violations; if anything, tendency would be for it to have increased due to increased volume of traffic.

200 SEN. LIM: I have received complaints from constituents about increased traffic fines, which apparently doesn't seem to deter violations.

212 STEVENSON: It deters some people.

220 SEN. YIH: Do the fees charged for violations go back into the program to pay for operation?

225 STEVENSON: I'm not prepared to answer cost questions; could do some research.

239 SEN. YIH: Does this increase law enforcement efforts and increase citations?

241 STEVENSON: The overall purpose of the program is high visibility, deterrence, and citing high speed vehicles.

260 SEN. YIH: How do you evaluate the effectiveness of this program?

265 STEVENSON: All of the traffic safety programs are meeting the objective of the performance measures; it is a combination of all traffic safety efforts.

278 SEN. YIH: You said violations have increased, but now you say the injuries and fatalities have decreased.

288 STEVENSON: The number of citations written by the state police are down due to less number of police officers, however, violations have probably increased.

333 SEN. YIH: This bill would increase the number of citations?

335 STEVENSON: The program isn't necessarily here to enhance the number of citations; we're packaging the program as high-profile, education, and deterrence. It will generate citations, but probably not a significant number. We're simply utilizing an aircraft which can move around much quicker.

375 EVERETT CUTTER, MANAGER, OREGON RAILROAD ASSOCIATION: Supports SB 332;
submits and summarizes written testimony [EXHIBIT B].
440 -references graph on Exhibit B

TAPE 10, SIDE A

WORK SESSION ON SB 332

030 MOTION: SEN. SPRINGER MOVES SB 332 BE SENT TO THE FLOOR WITH A DO PASS
RECOMMENDATION

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

053 Sen. Baker will lead discussion on the Floor.

WORK SESSION ON SB 236

Witnesses: Bill Johnson, Lieutenant, Oregon State Police
Kelly Taylor, Manager, Driver and Motor Vehicle Services (DMV)

055 ADMINISTRATOR ADKINS: Explanation of SB 236 and review of Fiscal Impact
Statement.

120 BILL JOHNSON, LIEUTENANT, OREGON STATE POLICE: In response to concerns
of Sens. Baker and Springer, explains that with a Class A traffic
infraction, unless false information is given in the presence of an
officer, enforcement action cannot be taken.

130 CHAIR BAKER: What would be the effect on the bill if we were to amend
it to make it a Class C misdemeanor?

133 JOHNSON: Then enforcement action could be taken.

165 MOTION: SEN. YIH MOVES TO ADOPT SB 236-1 AMENDMENTS DATED 1/31/95

198 VOTE: ALL MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE
ADOPTED

200 CHAIR BAKER: Would anyone like to address the issue of sections 4 and 5
being a Class A traffic infraction?

205 MOTION: SEN. SPRINGER MOVES TO AMEND PAGE 2, LINES 28, 29, AND 35,
DELETE "CLASS A TRAFFIC INFRACTION" AND INSERT "CLASS C MISDEMEANOR"

212 SEN. LIM: What are the definitions of Class A traffic infraction and
Class C misdemeanor?

222 CHAIR BAKER: Referencing ORS 161.635, Class C misdemeanor is 30 days
and/or \$1,000.

235 SEN. SPRINGER: Purpose for making the motion to amend is to better
enable police officers to enforce the law if a violation occurs.

240 SEN. YIH: What is the fine for a Class A traffic infraction?

242 ADMINISTRATOR ADKINS: Maximum \$940.

248 SEN. LIM: Concerned that someone could mistakenly give false information.

252 CHAIR BAKER: Prosecuting attorney would need to prove intent.

260 SEN. SPRINGER: Expands further on legal process and protection.

292 CHAIR BAKER: Proposes to insert "knowingly" on page 2, line 24, between "of" and "submitting" to make it consistent with page 2, line 30.

325 CHAIR BAKER: Vote on Sen. Springer's motion to amend page 2, lines 28, 29, and 35.

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

340 MOTION: CHAIR BAKER MOVES TO AMEND PAGE 2, LINE 24, INSERT "KNOWINGLY" BETWEEN "OF" AND "SUBMITTING"

385 VOTE: ALL MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENT IS ADOPTED

408 SEN. YIH: Can the program be implemented prior to the July 1, 1997 effective date?

430 KELLY TAYLOR, MANAGER, DMV: No, because the record access phase of the DMV new licensing system will not be ready until 1997.

TAPE 9, SIDE B

040 CHAIR BAKER: What about adding a penalty for not sending in the notice?

045 SEN. YIH: Believe there are enough incentives for the seller to send the information.

070 CHAIR BAKER: The committee will come back to the bill after checking to see if it needs to go to Ways and Means next.

INFORMATIONAL MEETING

Witness: James Stevenson, Captain, Oregon State Police
Marshall Coba, Oregon Trucking Associations

080 JAMES STEVENSON, CAPTAIN, OREGON STATE POICE: Submits and summarizes written testimony [EXHIBIT C] regarding SB 784 (1993), truck speed enforcement.

155 CHAIR BAKER: What was your baseline of officer coverage before this measure and what is it now? How can we determine if the \$40 unitary assessment went to things related to the assessment?

162 STEVENSON: There's been no increase or decrease in police officers during that time. The unitary assessment was specific to overtime so it was just used for the uniformed patrol trooper to go out and work the highway for truck speed enforcement.

197 CHAIR BAKER: Do you have any information to show how many overtime hours you had the previous year as opposed to this last year? I'm looking for confirmation that the unitary assessment went to where it was supposed

to go.

200 STEVENSON: I can get that information for you.

205 SEN. LIM: How can we improve safety of the freeway?

215 STEVENSON: Explains ways in which the state police is working to make the freeways safer.

265 MARSHALL COBA, OREGON TRUCKING ASSOCIATIONS: Origination of SB 784 was with the trucking industry, which is very concerned with highway safety.

315 CHAIR BAKER: Adjourns the committee meeting (2:24PM).

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Testimony on SB 332 -- James Stevenson -- 5 pages
- B - Testimony on SB 332 -- Everett Cutter - 5 pages
- C - Testimony on SB 784 (1993) -- James Stevenson - 4 pages