

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 14

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Marylin Shannon

STAFF PRESENT:

Janet Adkins, Committee Administrator
Gina Rumbaugh, Committee Assistant

MEASURES HEARD:

Informational Overview of Truck Regulation by Function

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 (1:07PM).
-Introductory remarks

010 ADMINISTRATOR ADKINS: Explanation of agenda and agency presentations.

INFORMATIONAL HEARING

Witnesses: Joan Smith, Chair, Public Utility Commission (PUC)
Jane Cease, Manager, Driver and Motor Vehicle Services (DMV)
Al Elkins, Oregon Tow Truck Association
William Johnson, Lieutenant, Oregon State Police
Bob Russell, Assistant Commissioner, PUC Transportation Program
Stephen Johnston, Manager, DMV

060 JOAN SMITH, CHAIR, PUC: Submits written testimony [EXHIBIT A].

085 -Reads from Exhibit A, Economic/Business Regulation

140 -Applications from carriers currently number 270

145 CHAIR BAKER: Do you anticipate those continuing at the same rate of

inquiry?

147 SMITH: Yes, and anticipate it to increase in the spring as the construction season picks up.

155 JANE CEASE, MANAGER, DMV: Submits chart [EXHIBIT B] and written testimony [EXHIBIT C]; begins summary of Exhibit C, Item 1, Business Regulation.

170 CHAIR BAKER: Any reason why DMV issues tow truck business licenses?

175 AL ELKINS, OREGON TOW TRUCK ASSOCIATION: Because tow truck companies do business in various counties and cities, this prevents them from having to get a license in each place; it provides one license for the entire state.

192 CHAIR BAKER: Could PUC pick up those functions fairly easily?

195 ELKINS: I don't see that it would be a problem.

205 SMITH: Continues reading from Exhibit A, Truck and Trailer Registration.

232 CHAIR BAKER: Who registers vehicles that weight less than 26,000 lbs?

235 CEASE: DMV does.
-Continues summary of Exhibit C, Item 2, Driver and Vehicle Licensing

280 Sen. Yih joins the meeting.

295 SEN. SPRINGER: Is there any category that recognizes trucks smaller than 10,000 lbs that are being used for business or commercial purposes?

305 CEASE: No, they are issued regular plates.

330 SEN. LIM: Since Oregon's registration fees are low compared to other states, do you see any people living outside the state that are registering here?

335 CEASE: People who register vehicles here are required to be a resident.

360 SEN. LIM: What's wrong with someone registering here since we get money out of it?

363 CEASE: If a California resident registers in Oregon because it's cheaper, then California feels it's getting cheated out of the revenue.

385 ADMINISTRATOR ADKINS: Please explain the international registration plan.

395 SMITH: Explains program and it's advantages to trucking companies and the state.

TAPE 14, SIDE A

020 CHAIR BAKER: Why does PUC issue a red plate for trucks over 26,000 lbs. versus the regular DMV plate?

028 SMITH: Database management, visibility, and more easily read as trucks come across the scales. Any vehicle with a red plate is subject to weight/distance taxes.

048 CHAIR BAKER: Are the PUC and DMV computers compatible?

050 CEASE: We communicate through the ODOT mainframe.

055 SMITH: We can exchange databases with the state police, other states, and upload to the U.S. Department of Transportation.

080 CHAIR BAKER: Regarding DMV's integration of records, is that in the current mainframe you have or is it in a new computer system?

083 CEASE: We're currently operating off of the mainframe; we will actually be operating off of both; it's all integrated.

088 CHAIR BAKER: State police also has access to that mainframe?

089 WILLIAM JOHNSON, LIEUTENANT, OREGON STATE POLICE: Yes, we have access to both PUC and DMV records.

110 SMITH: Continues reading from Exhibit A, Safety.

210 -References and explains Inspection Level charts, Exhibit A

275 SEN. YIH: How do you pay for the law enforcement part of safety inspection when the constitution says you cannot use the taxes you collect to pay to police?

285 SMITH: There are two sources of monies for that function. One source comes through the federal government; the other source comes from the PUC budget from fees other than those collected from weight/distance tax that go under the highway fund.

295 CEASE: The Oregon Constitution says that if there is money collected from fees on vehicles of motor carrier businesses, then that part can be used to inspect the equipment.

305 ADMINISTRATOR ADKINS: Reads constitutional article.

320 SEN. SPRINGER: The media sometimes reports on failure rates of vehicles during random checks; do we have figures that say whether or not that's accurate?

340 BOB RUSSELL, ASSISTANT COMMISSIONER, PUC TRANSPORTATION PROGRAM: Only about 5% of the accidents are actually caused by mechanical failure, where 95% are caused by actions of the driver. There is some new federal regulation that we expect to come out soon that will impose devices to automatically adjust the brakes in trucks.

400 CEASE: Continues summary of Exhibit C, Item 3, Safety.

TAPE 13, SIDE B

035 JOHNSON: Submits and summarizes written testimony [EXHIBIT D].

075 SEN. SPRINGER: Are there any regulations regarding tire safety?

085 JOHNSON: Levels 1 and 2 inspections cover the tires; the vehicle can be placed out of service until that defect is corrected.

095 SEN. YIH: Do you let people in the area know that you will be patrolling with an aircraft?

105 JOHNSON: It depends on the circumstances, sometimes yes and sometimes no.

120 ADMINISTRATOR ADKINS: Can trucks use radar detectors anymore?

122 JOHNSON: That is prohibited by federal regulation for commercial vehicles.

125 JOHNSON: Continues summary of Exhibit D, page 4, accident reconstructionists.

160 SEN. LIM: Expresses concern for tanker truck accidents.

200 SEN. YIH: How much time do you allow truck drivers to drive everyday?

218 RUSSELL: 10 hours driving per day, 15 hours total working per day, 8 hours off duty; federal regulations uniform throughout the country.

260 CHAIR BAKER: Please comment about on-road driver inspections being performed by both PUC and ODOT.

270 CEASE: The more people involved in doing vehicle equipment inspections, the better off we'll be in trying to prevent accidents.

315 CHAIR BAKER: Please comment on the Department of Energy and hazardous materials.

320 RUSSELL: The Department of Energy has the responsibility legally for the routing of radioactive materials, but all of their transportation regulations relative to radioactive materials are delegated to the PUC.

330 SEN. SPRINGER: Is there a national standard for visibility behind trucks as far as the mounting of mirrors?

335 JOHNSON: Yes, there is a statutory requirement relating specifically to mirrors.

348 CEASE: There's a new technology where an electronic device is attached to the truck which can alert the driver that there is a vehicle in the blind spot.

375 CHAIR BAKER: Let's skip over item 4 regarding road preservation and go into taxation.

380 SMITH: Continues reading from Exhibit A, Highway Use Tax Collection.

TAPE 14, SIDE B

035 CEASE: Continues summary of Exhibit C, Item 5, Taxation.

085 SEN. YIH: Referencing Joan Smith's earlier testimony, is a truck being inspected for safety when it purchases fuel?

090 SMITH: No.

128 STEPHEN JOHNSTON, MANAGER, DMV: When vehicles go over the scales, they are not automatically pulled over for a safety inspection. If a noticeable defect is observed when a truck is crossing the scale, it would then be pulled over.

135 SEN. LIM: Expresses concern for studded tires and damage to roads.

162 CHAIR BAKER: There has been a bill drafted that would add a surcharge on the purchase of metal studded tires; we're trying to negotiate it being dropped in the House.

182 SMITH: Regarding the taxation function, it is interesting to note that the tax is collected by an agency that has no beneficial interest in it. It's important to note that the separation is designed to insure our decisions are based on equity and not amounts of the revenue generated.

WORK SESSION: INTRODUCTION OF LC 2628

215 MOTION: CHAIR BAKER MOVES THE COMMITTEE INTRODUCE LC 2628 [EXHIBIT E]

220 VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE MOTION CARRIES;
SEN. SHANNON IS EXCUSED

235 CHAIR BAKER: Adjourns the meeting (2:47PM).

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony on trucking regulation related to PUC -- Joan Smith -- 15 pages
B - Chart on trucking regulation functions -- Jane Cease -- 1 page
C - Testimony on trucking regulation related to DMV -- Jane Cease -- 2 pages
D - Testimony on trucking regulation related to state police -- William Johnson -- 6 pages
E - LC 2628 Draft -- Staff -- 4 pages