

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room 357
Tapes - 20

SENATE COMMITTEE ON TRANSPORTATION MEMBERS PRESENT:

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

HOUSE GENERAL GOVERNMENT AND REGULATORY REFORM SUBCOMMITTEE ON
TRANSPORTATION MEMBERS PRESENT:

Rep. Cedric Hayden, Chair
Rep. Rep. Lonnie Roberts, Vice-Chair
Rep. Jerry Grisham
Rep. Mike Lehman
Rep. Ken Strobeck

HOUSE MEMBER EXCUSED:

Rep. Bill Markham

STAFF PRESENT:

Janet Adkins, Senate Committee Administrator
Anne Tweedt, House Committee Counsel
Gina Rumbaugh, Senate Committee Assistant

MEASURES HEARD:

Informational: Hwy Overpass Screening (HB 2507, 1993 session)
SB 318 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.

Joint meeting of the Senate Committee on Transportation and the House General Government and Regulatory Reform Subcommittee on Transportation.

TAPE , SIDE A

008 CHAIR BAKER: Calls the meeting to order (1:08PM).
-Introductory remarks

INFORMATIONAL: HIGHWAY OVERPASS SCREENING (HB 2507, 1993 session)
Witnesses: Representative Lonnie Roberts, House District 21, State of Oregon
Joan Plank, Governmental Relations, Oregon Dept. of Transportation (ODOT)
Brant Williams, State Traffic Engineer, ODOT
Senator Gene Derfler, Senate District 16, State of Oregon
Frank Suniga, Salem, Oregon

015 REPRESENTATIVE LONNIE ROBERTS, HOUSE DISTRICT 21, OREGON: Summarizes efforts in attempting to get the Highway Department to screen overpasses.
- Requests that ODOT send a written statement every six months to the House

and Senate Interim Transportation Committees showing what they have done, how many screens they put up, and where those screens are
-I am very prepared to push as hard as I can to force ODOT into having them all done within the next two years

065 CHAIR BAKER: What was the attitude of ODOT prior to the 1993 session regarding this issue and have you seen that change since that time?

070 REP. ROBERTS: In my opinion, it was laissez-faire.
- Introduces Frank and Zelda Suniga and the 61 lb. rock that went through their windshield

095 JOAN PLANK, GOVERNMENTAL RELATIONS, ODOT: In response to Chair Baker's question regarding if ODOT's attitude has changed, the answer is yes. We didn't do 15 overpasses the first year, we did eight; we are planning to make up for it in future years.

115 BRANT WILLIAMS, STATE TRAFFIC ENGINEER, ODOT: Submits and summarizes written testimony [EXHIBIT A] regarding report on freeway overpass screening.

125 REP. ROBERTS: What criteria do you use in prioritizing those overpasses?

130 WILLIAMS: The criteria includes looking at the number of reported instances, the presence of sidewalks on the overpass, the amount of pedestrian attractions on or around the overpass, and if there is existing illumination.

160 -References Exhibit A charts regarding contracted screening projects

170 REP. ROBERTS: With 35 overpasses per biennium, what kind of a hit is that on your budget?

175 WILLIAMS: They are currently costing around \$25,000 per location.

185 -Again references Exhibit A charts regarding contracted screening projects

195 -References Exhibit A chart regarding priority list of overpasses to be screened

210 REP. ROBERTS: If we were to do them all at your pace, it would take 20 years.

215 WILLIAMS: We believe it will take 15 to 18 years to complete them all.

220 CHAIR HAYDEN: What is the number of incidents in a two-year period and is it decreasing?

225 WILLIAMS: I know that for a 14-month period, we received information from the Oregon State Police that they had had reports of somewhere around 300 incidents.

230 CHAIR HAYDEN: How about screenings for secondary highways?

235 WILLIAMS: I don't believe there's any program established to deal with those at this time.

240 CHAIR HAYDEN: Noticed some screenings aren't completely enclosed. What

prevents someone from throwing rocks over the screening.

250 WILLIAMS: We've used several designs. The vertical design is installed at all locations where there are not sidewalks. Wherever there's a sidewalk, we put in a curved screen.

280 SEN. LIM: Are accidents usually caused by wear and tear on the overpass or a human factor?

290 WILLIAMS: Most incidents are caused by people actually dropping the rocks.

295 SEN. SPRINGER: Are you aware of any similar problems regarding overpasses for railroads?

300 PLANK: We can check with our railroad people, and get back to the committee.

310 CHAIR BAKER: Asks Mr. Williams to respond in writing regarding the number of reported incidents. Are you getting any communication from the local city and county governments regarding what they view the effect of these overpasses is?

325 WILLIAMS: I haven't received any information from local governments.

335 REP. ROBERTS: Statement for the record--To answer a question of public safety over a period of 15 years is ridiculous.

345 SENATOR GENE DERFLER, SENATE DISTRICT 16, OREGON: Through the biennium, Mr. Suniga and I have met with the Highway Department several times about this issue, so they were well aware that they were behind schedule. We had asked them to get caught up during the interim, and it's obvious they haven't followed through.

375 FRANK SUNIGA: Submits and summarizes written testimony [EXHIBIT B].
445 -References Exhibit B, page 6, regarding ODOT seeming to ignore HB 2507

TAPE 20, SIDE A

030 SUNIGA: Continues summary of Exhibit B; thanks Oregonians and names specific people that gave encouragement and support.

PUBLIC HEARING ON SB 318

Witnesses: Joe French, Oregon Forest Products Transportation Association
Mike Miller, Executive Vice President, Associated Oregon Loggers
George Abbott, Executive Director, Oregon Log Truckers Association
Debbie Laurance, Laurance Trucking

060 ADMINISTRATOR ADKINS: Explanation of SB 318 and amendments. References material provided to committee members:
-Summary sheet of SB 318 Proposed Amendments [EXHIBIT C]
-Analysis of Proposed \$300 Application Fee by PUC [EXHIBIT D]
-SB 318-3 Amendments [EXHIBIT E]
-SB 318-4 Amendments [EXHIBIT F]
-Letter from Attorney General to Bob Russell/PUC [EXHIBIT G]
-PUC summary of complaints received under the log contract provision

[EXHIBIT H]

120 -Reviews Fiscal Impact Statement

140 CHAIR BAKER: Intent of the chair, if the committee passes this out to the Floor, that there be no subsequent referral to Ways and Means.

160 JOE FRENCH, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION: Supports 318-1 Amendments for 5-day grace period; submits and summarizes written testimony [EXHIBIT I].

175 MIKE MILLER, EXECUTIVE VICE PRESIDENT, ASSOCIATED OREGON LOGGERS: Believe the federal legislation preempts Oregon's log truck contract requirement.

240 -Supports repeal of the contract provision

265 REP. GRISHAM: Would the 5-day rule then result in truckers being forced to negotiate for their rates after they've already delivered the logs?

270 MILLER: That's been the standard practice; it allows both the logging contractor and the trucker to see how much time is it going to take, how many loads can be gotten in a day, and what the conditions of the road are that might have some impact on maintenance and operation.

280 FRENCH: Concurs with Mr. Miller's explanation of the standard practice.

295 REP. GRISHAM: How do you resolve a difference of opinion?

305 MILLER: The standard practice is to renegotiate.

320 SEN. SHANNON: The law is probably more helpful to the small owner/operators.

365 CHAIR HAYDEN: I would support repealing as many government regulations as possible.

395 GEORGE ABBOTT, EXECUTIVE DIRECTOR, OREGON LOG TRUCKERS ASSOCIATION: Opposes SB 318-1 and SB 318-4 amendments to repeal the contract provision.

Submits written testimony [EXHIBIT J] and report [EXHIBIT K].

TAPE 19, SIDE B

020 ABBOTT: Continues testimony; references Highway Safety Report, Exhibit K.

060 DEBBIE LAURANCE, LAURANCE TRUCKING: Opposes SB 318-1 and SB 318-4 amendments to repeal the contract provision.

080 -Tells personal story about the company losing money on a particular job; no recourse

150 CHAIR BAKER: Due to federal preemption, we cannot address issues regarding economic regulation. Do you have any other testimony as to why we should keep this statute in place?

160 ABBOTT: The contract provision encompasses the issue of safety.

170 SEN. YIH: The Attorney General's opinion says the contract provision does not conflict with federal preemption.

180 SEN. SHANNON: Clarification about Mrs. Laurance's position on the proposed amendments.

200 SEN. YIH: How do you allow for changes once you sign the contract?

205 LAURANCE: Just re-issue the rate sheet, or simply make a telephone call.

230 REP. STROBECK: If we were to repeal this section and deregulate it, would there be anything that would prevent you from doing business as you've been doing it?

235 LAURANCE: Yes, we wouldn't have a job then because the competition is too tough.

250 REP. STROBECK: If the 5-day grace period were allowed, couldn't you as an independent contractor decide to have an initial agreement before you haul the logs?

270 LAURANCE: No, they wouldn't want to mess with you and they'd go find someone else.

280 CHAIR HAYDEN: There are so many variables, I don't know how anybody could know what the first haul would be worth.

295 ABBOTT: From experience and computers, they know what the haul is going to be worth.

340 LAURANCE: Closing comments about decreasing profitability for owner/operators.

WORK SESSION ON SB 318

405 MOTION: SEN. SPRINGER MOVES TO ADOPT SB 318-3 AMENDMENTS DATED 2/20/95

VOTE: IN A ROLL CALL VOTE, SENS. SPRINGER, YIH, AND BAKER VOTE AYE; SENS. LIM AND SHANNON VOTE NO; THE AMENDMENTS ARE ADOPTED

430 MOTION: SEN. LIM MOVES TO ADOPT SB 318-1 AMENDMENTS DATED 2/1/95

VOTE: IN A ROLL CALL VOTE, SENS. LIM, YIH, AND BAKER VOTE AYE; SENS. SHANNON AND SPRINGER VOTE NO; THE AMENDMENTS ARE ADOPTED

470 MOTION: CHAIR BAKER MOVES THAT SB 318, AS AMENDED, BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

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

Chair Baker will lead discussion on the Floor.

485 CHAIR BAKER: Adjourns the meeting.

The Senate Committee on Transportation stayed in the hearing room as the House General Government and Regulatory Reform Subcommittee on Transportation heard testimony on HB 2519, HB 2521, and HB 2522. Refer to minutes and audio tape of the House for further information.

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Testimony on HB 2507 (1993) -- Brant Williams -- 14 pages
- B - Testimony on HB 2507 (1993) -- Frank Suniga -- 9 pages
- C - Summary sheet of SB 318 Proposed Amendments -- Staff -- 1 page
- D - Analysis by PUC relating to SB 318 -- Staff - 1 page
- E - SB 318-3 Amendments -- Staff -- 1 page
- F - SB 318-4 Amendments -- Staff -- 1 page
- G - Letter from Attorney General relating to SB 318 -- Staff -- 2 pages
- H - PUC summary of complaints relating to SB 318 -- Staff -- 1 page
- I - Testimony on SB 318 -- Joe French -- 4 pages
- J - Testimony on SB 318 -- George Abbott -- 3 pages
- K - Report submitted relating to SB 318 -- George Abbott - 14 pages