

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 22

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:

Introduction of LC 2690
SB 382 Public Hearing

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).
-Announcements

WORK SESSION: INTRODUCTION OF LC 2690

010 MOTION: CHAIR BAKER MOVES THE COMMITTEE INTRODUCE LC 2690 [EXHIBIT A]

VOTE: THREE MEMBERS PRESENT, HEARING NO OBJECTIONS THE MOTION CARRIES;
SENS. SHANNON AND YIH ARE EXCUSED

PUBLIC HEARING ON SB 382

Witnesses: Susan Schneider, City of Portland, Government Relations
William Bennington, Captain, Traffic Division, Portland Police Bureau
Lee Dayfield, Northeast Portland, Oregon
Mark LeRoux, Portland, Oregon
Linda Meng, City of Portland, Attorney's Office
Representative Gail Shibley, House District 12, Oregon
John Hood, Southeast Portland, Oregon
Debra Downey, Public Affairs Officer, AAA Oregon
Al Elkins, Car and Truck Rental and Leasing Association of Oregon
Linda Gardner, Budget, Hertz, and Avis Rent-A-Car Companies
Kate Deane, City of Portland, Office of Transportation

David Fidanque, Executive Director, ACLU of Oregon
Harry Bodine, Washington County, Oregon

030 SUSAN SCHNEIDER, CITY OF PORTLAND, GOVERNMENT RELATIONS: Introduces witnesses that will testify in support of SB 382.

040 WILLIAM BENNINGTON, CAPTAIN, TRAFFIC DIVISION, PORTLAND POLICE BUREAU: Supports SB 382; submits and reads written testimony [EXHIBIT B].

100 CHAIR BAKER: Is the bill officially supported by both the cities of Portland and Gresham?

105 SCHNEIDER: The City of Portland Council supports this bill and has taken action to that effect. I don't know if the City of Gresham Council has taken similar action; the mayor has voiced her support.

110 SEN. LIM: I haven't heard from the City Council about formal action. The City of Fairview mayor, manager, and chief oppose photo radar.

120 LEE DAYFIELD, NORTHEAST PORTLAND, OREGON: Supports SB 382; there is a shortage of traffic officers, and speeding is not a top priority; photo radar would save time and more people would be caught; there is a lot of support in the neigHB orhoods for photo radar.

160 MARK LeROUX, PORTLAND, OREGON: Supports SB 382; enforcement is virtually non-existent in his neigHB orhood because the police don't have the manpower to do an adequate job; people are cutting through neigHB orhood

streets and speeding to cut their commute time; use of photo radar will improve livability, and restore the integrity of speed limit laws.

200 SCHNEIDER: Submits and references photograph [EXHIBIT C]; submits and reads written testimony [EXHIBIT D].

230 -Proposes two amendments; references hand-engrossed copy of bill [EXHIBIT E]

245 SEN. LIM: Is there a copy of the formal action by the City of Portland in support of this bill?

250 SCHNEIDER: I will provide you with one.

255 SEN. LIM: Why can't this issue be decided by local jurisdictions?

260 SCHNEIDER: Because it is not clear in state law if citations can be delivered by mail.

270 SEN. LIM: Have to consulted with the Attorney General on this issue?

275 LINDA MENG, CITY OF PORTLAND, ATTORNEY'S OFFICE: The Attorney General was unwilling to say the delivery of citations by mail would be allowed under the statute.

298 CHAIR BAKER: You just want a clear imprint of what you need to do?

300 MENG: The Multnomah County Circuit Court wanted to be very clear that this was going to work because they were concerned about possible legal problems.

315 REPRESENTATIVE GAIL SHIBLEY, HOUSE DISTRICT 12, OREGON: Supports SB 382; speeding is a huge problem; different dimensions include safety, livability and the environment.

390 CHAIR BAKER: References list of neighborhood and community organizations formally supporting photo radar [EXHIBIT F], and asks if this has been an ongoing issue in Portland.

395 REP. SHIBLEY: Yes, traffic related complaints far outstrip any other category submitted by the neighborhood associations. There are only 22 traffic cops in the City of Portland today.

TAPE 22, SIDE A

003 JOHN HOOD, SOUTHEAST PORTLAND, OREGON: Supports SB 382; serves on two community safety committees that strongly support photo radar.

035 DEBRA DOWNEY, PUBLIC AFFAIRS OFFICER, AAA OREGON: Neutral on SB 382; two polls, one of AAA members and one random telephone poll, show members and the general public expressing strong opinions both for and against photo radar.

080 CHAIR BAKER: Did the poll segregate where people were from?

085 DOWNEY: On the statewide poll, 54% of respondents were from the metro tri-county area.

090 AL ELKINS, CAR AND TRUCK RENTAL AND LEASING ASSOCIATION OF OREGON: Supports SB 382 with amendments [EXHIBIT G] regarding citations received by rental companies.

100 LINDA GARDNER, BUDGET, HERTZ, AND AVIS RENT-A-CAR COMPANIES: Supports SB 382 with amendments, Exhibit G, which she summarizes.

150 SEN. YIH: Whose authority is it to issue citations and do they have the authority to cite out-of-state drivers?

155 MENG: Just as police officers would ordinarily do for any driver, they'd have the authority to issue a citation to an out-of-state driver who was driving in the state at that time.

170 SEN. YIH: Do you have enforcement ability to recover the fines if they don't pay?

175 MENG: If there's not a response, the court system follows up.

200 CHAIR BAKER: References letter from last session noting AAA Oregon strongly opposed a photo radar bill [EXHIBIT H] and asks why the organization is now neutral.

210 DOWNEY: We have acquired more up-to-date information, and want to be sensitive to the variety of positions that our members have expressed.

230 SEN. YIH: Who is paying for the photo radar equipment and staffing?

240 SCHNEIDER: It is paid for by the City of Portland. We intend for the project to be revenue neutral and, with this test, we'll be able to find out if that can be achieved.

250 SEN. YIH: Are there going to be two demonstration projects, one in Portland and one in Gresham?

260 KATE DEANE, OFFICE OF TRANSPORTATION: Yes. Chief Art Knori of Gresham

indicated to me yesterday that if they can get the same kind of deal from the vendor as originally discussed, they would like to do a demonstration project.

275 SEN. LIM: How much does the equipment cost?

278 DEANE: We would lease the equipment from the vendor at least for the duration of the demonstration project; the cost is \$20 per paid citation, from start to finish.

290 CHAIR BAKER: What is the typical citation?

295 DEANE: The average fine citation is \$84 per paid citation.

340 -Believe we'd have 14 violations per hour

350 -We'll gladly share the city's financial analysis for the project

375 BENNINGTON: Because there's a number of vendors, prices have to be negotiated.

390 SEN. SHANNON: How do we keep the radar equipment accurate/calibrated?

395 BENNINGTON: All radar equipment needs to be calibrated using a tuning fork before and after the test; that's part of the officer's responsibility

and why that officer is on-site.

405 CHAIR BAKER: Please briefly explain what the training is for your officers.

408 CAPTAIN: The vendor is responsible for providing training unique to the operation of their particular equipment.

TAPE 21, SIDE B

008 SEN. LIM: Why haven't the fines gone up when the bail schedules have gone up?

015 DEANE: Judges have the discretion to set the fine amount, which is generally much lower than the bail amount.

035 DAVID FIDANQUE, EXECUTIVE DIRECTOR, ACLU of OREGON: Neutral on SB 382; conceptual amendment--use of the certificate of innocence, whereby the registered owner of the vehicle could fill out a form under threat of perjury stating that he/she was not the driver of the vehicle at the time the photo radar observed their vehicle exceeding the speed limit.

055 CHAIR BAKER: The amendment proposed by Al Elkins would seem to move in the direction you're talking about which would allow somebody to submit an affidavit of non-liability.

060 FIDANQUE: There may be some problems using the word affidavit, which I believe needs to be notarized.

065 CHAIR BAKER: We chose the word affidavit because we talked about rental and leasing companies identifying the individual who may have been using the vehicle. We're really talking about two different sections here; one would be the declaration of the non-driver and the other is the rental company saying they have an affidavit.

070 FIDANQUE: The other aspect of the certificate of innocence that the

city of Portland has in mind would request the registered owner of the vehicle to disclose if they know who the driver was, but not require them to submit that information in order to have the citation dismissed.

085 CHAIR BAKER: Ms. Schneider, please walk us through the bill line-by-line.

090 SCHNEIDER: Explains SB 382.

140 CHAIR BAKER: References page 2, line 1, regarding the unit being used no more than four hours per day in one location. Are you talking about one unit in the entire city of Portland?

145 DEANE: Yes, at this time we're talking about just one unit.

148 SCHNEIDER: Continues explanation of SB 382.

175 CHAIR BAKER: Two years ago we took out any criminal sanctions; you could issue a judgment for the fine, but there's no criminal citation to be issued, which is typically a failure to appear citation.

180 DEANE: Last session, one of the biggest oppositions we had was from the police union and their concern that people could just throw the citations away.

190 CHAIR BAKER: Do you have civil remedies where you could suspend their license?

192 MENG: Speeding violations are purely civil now; there are no criminal sanctions involved.

195 SCHNEIDER: Continues explanation of SB 382.

215 CHAIR BAKER: Would someone have to apply to the courts separately for a hearing date?

220 MENG: I believe you can apply to the court and ask to have your citation heard.

224 CHAIR BAKER: Would notice be provided to the owner if he/she had neglected to come in for some reason?

227 DEANE: Our intention is to give notice so people can take care of it.

230 SEN. YIH: It seems it would be very hard to enforce.

240 SCHNEIDER: That's why we've included (G), Page 2, lines 18-22.

245 CHAIR BAKER: If someone were to receive a citation in the mail and declare they were not the driver, how could you verify that?

255 DEANE: If a person returns the certificate of innocence, they are also directed to enclose a copy of the front and back of their driver's license.

265 CHAIR BAKER: Are you going to mail a copy of the photograph along with the citation?

267 SCHNEIDER: No, but that would be available at the police station.

275 DEANE: We won't have all the photographs developed unless people ask; we'd read our information from the negative.

285 SCHNEIDER: People indicated they didn't want the photograph mailed to them.

290 MENG: The officers will keep a written log of the pictures taken by the equipment.

335 SEN. YIH: References Exhibit C, and asks what number represents the speed of the car.

340 DEANE: The computer can be programmed to stamp a variety of different pieces of information on the photograph, which those numbers represent. I'll need to ask the vendor about those specific numbers and get back to you.

365 SEN. LIM: At what point is the equipment taking a picture of the car?

375 SCHNEIDER: The photograph itself is taken within a few feet of the car--when the car passes the equipment. The 150 feet refers to placement of the reader board.

405 DEANE: By the time someone can see their speed noted on the reader board, they've already been caught speeding and a photograph has been taken.

440 SEN. SHANNON: There is no warning?

445 SCHNEIDER: Signs are posted around the city saying photo radar is in use, plus there is a marked police car at the photo radar location which many people see and slow down for.

TAPE 22, SIDE B

020 CHAIR BAKER: We'll have Counsel draft a couple of amendments.

025 HARRY BODINE, WASHINGTON COUNTY, OREGON: Notes three comments--Europe has used photo radar for many years; the citizens of Beaverton are raising money to buy a second reader board; perhaps a citation to out-of-state drivers can be forwarded to the DMV and then their insurance agent should they not pay the fine.

045 CHAIR BAKER: Adjourns the meeting.

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - LC 2690 -- Staff -- 2 pages
- B - Testimony on SB 382 -- William Bennington -- 3 pages
- C - Photograph on SB 382 -- Susan Schneider -- 1 page
- D - Testimony on SB 382 -- Susan Schneider -- 2 pages
- E - Hand-engrossed version of SB 382 -- Susan Schneider -- 2 pages

F - Informational material on SB 382 -- Susan Schneider -- 10 pages
G - Amendments to SB 382 -- Al Elkins -- 1 page
H - Informational material on SB 382 (1993 session, SB 769 testimony) --
Staff -- 3 pages
I - Letter on SB 382 -- Representative George Eighmey -- 1 page