

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 32

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 382 Work Session
SB 616 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 (1:22PM).

WORK SESSION ON SB 382

Witnesses: Susan Schneider, Government Relations, City of Portland
Linda Adlard, Mayor's Office, City of Beaverton
Senator Marylin Shannon, Senate District 15, State of Oregon

010 SUSAN SCHNEIDER, CITY OF PORTLAND: References hand-engrossed bill [EXHIBIT A] and explains amendments.

015 LINDA ADLARD, MAYOR'S OFFICE, CITY OF BEAVERTON: Represents mayor and city councilors. Accident rate in Beaverton has nearly doubled this year.

Police levy provides for a new traffic grouping; photo radar would assist those officers to be more effective in trying to modify individuals' behavior.

050 CHAIR BAKER: Chair's intention is that if, after passing the Senate, the House objects to including the City of Beaverton, it will be removed from the program.

SEN. LIM: Asks if there is public support for photo radar.

ADLARD: Yes, we have support, but have not done a formal survey. We will do a great deal of education prior to installing photo radar.

SEN. LIM: AAA testified that the suburban area doesn't have strong support for photo radar.

ADLARD: If we have the neighborhood associations and the active citizens telling us what they want, we'll take that input into consideration.

090 SEN. LIM: Notes concern for cost of the program, and that there be an informational/educational period for perhaps three months so people understand the program.

SCHNEIDER: It's our intent to purchase the service, which includes equipment. It's also our intent to have a very extensive education program

for several months prior to installing photo radar. Lists what they will do to inform/educate people in the City of Portland.

SEN. LIM: Notes concern that although the bill addresses education, it does not specifically say how it will be implemented.

ADLARD: Lists what they will do to inform/educate people in the City of Beaverton.

145 SEN. LIM: How many pieces of photo radar equipment are you going to install?

SCHNEIDER: One in the City of Portland.

ADLARD: Our council and budget committee will make the decision of how many we'll install in the City of Beaverton; we'll have a minimum of one.

170 SEN. LIM: References Exhibit A, page 2, line 10, and asks for further explanation.

SCHNEIDER: Expands on purposes of the reader board located near the photo radar unit.

190 SEN. YIH: Expresses concern that the leasing equipment company will not receive enough money if they receive payment on a per citation basis. How many tickets do you anticipate?

SCHNEIDER: We've provided you a summary of what we've estimated. We don't know, and that's one of the reasons for doing the experiment.

SEN. YIH: What is the state's cost of tickets when they're issued?

SCHNEIDER: I believe what's cited on tickets is technically the bail amount. The fine may turn out to be something else--that's up to a judge.

SEN. YIH: So, this doesn't require an appearance in court? You just mail in the check?

SCHNEIDER: Yes, that's correct.

225 SEN. LIM: Concerned about invasion of privacy.

SCHNEIDER: That is why the picture will not be mailed along with the citation.

245 SEN. SHANNON, SENATE DISTRICT 15, STATE OF OREGON: Reads document found by a Portland resident on Internet regarding photo radar in Canada that says photo radar invades people's privacy and lists reasons why it may not deter drivers from speeding.

355 -In response to Sen. Yih, this reflects my view as well

365 ADMINISTRATOR ADKINS: Explains hand-engrossed bill, Exhibit A, which incorporates a couple concepts from the SB 382-2 amendments [EXHIBIT B].

400 MOTION: CHAIR BAKER MOVES TO ADOPT THE AMENDMENTS CONTAINED IN THE STAFF HAND-ENGROSSED VERSION OF SB 382 DATED 3/9/95 [EXHIBIT A]

410 MOTION: SEN. SPRINGER MOVES THAT SB 382, AS AMENDED, BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

SEN. LIM: Discusses concern for dollar amount of traffic fines.

CHAIR BAKER: In response to Sen. Shannon's concern, remarks there is no expectation of privacy while driving a vehicle in Oregon.

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

Chair Baker will lead discussion on the Floor.

TAPE 31, SIDE A

PUBLIC HEARING ON SB 616

Witnesses: Debra Downey, Public Affairs Officer, AAA Oregon
Mary Ann Raymer, Otis, Oregon
Dell Isham, AAA Oregon
Phil Ward, Assistant Director, Oregon Department of Agriculture
Ken Simila, Measurement Standards Division, Oregon Department of Agriculture
John Alto, Chevron Dealer, Sherwood, Oregon
Brian Boe, Oregon Petroleum Marketers Association

030 ADMINISTRATOR ADKINS: Explanation of SB 616.

065 DEBRA DOWNEY, PUBLIC AFFAIRS OFFICER, AAA OREGON: AAA Oregon is the principal sponsor of the bill. Introduces witness.

070 MARY ANN RAYMER, OTIS, OREGON: Supports SB 616. Relates personal experiences of contaminated fuel that adversely affected her car; it's a safety hazard.

115 SEN. YIH: How do you know it's the gasoline and not a problem with your engine?

RAYMER: I just had it serviced three days before the incident.

SEN. YIH: Did you go back to the gas station to talk to them about the problem?

RAYMER: I wrote to Chevron and they told me to contact the Salem dealer; I

called the Salem dealer and they never responded.

SEN. YIH: As with Sen. Shannon, none of my constituents have contacted me about this problem.

RAYMER: Most people don't realize there are no laws concerning this.

155 DOWNEY: Submits and references informational material [EXHIBIT C].
Stresses that Oregonians and visitors should get what they pay for in fuel.
190 -New York Motorist articles, Exhibit A
210 -Tennessee Department of Agriculture bar graph, Exhibit A
225 -Memo regarding Kentucky, Exhibit A
285 -In response to Sen. Baker, Oregon is one of only two states that does
not have fuel testing

290 SEN. LIM: What is the penalty if non-compliance is found?

300 DELL ISHAM, AAA OREGON: The penalty provisions can range from a stop
work order to a \$15,000 civil penalty, with each day of violation
considered a separate offense.

310 SEN. YIH: References Tennessee Department of Agriculture bar graph,
Exhibit A, and asks when the testing program was implemented. Also, when
did it start in New York?

DOWNEY: It began in Tennessee in 1990, and in New York in 1991; expands on
declining failure rates in New York.

345 SEN. YIH: What is the cost of the program?

DOWNEY: The cost of the program depends on the tests that are run.

365 CHAIR BAKER: Do you have any recommendations regarding the size of the
inspection program, what other states test for, how often they test, and
how those programs are run?

DOWNEY: The most successful programs include random as well as regular
tests;
complaint-driven testing does not seem to work.

CHAIR BAKER: Does the proposed bill reflect how often there'd be testing?

ISHAM: The details of the program are left up to administrative rule, but
there is a lot of guidance from American Society for Testing and Materials
(ASTM) standards.

-References Section 11 of SB 616 that provides for a funding mechanism

TAPE 31, SIDE B

025 PHIL WARD, ASSISTANT DIRECTOR, OREGON DEPARTMENT OF AGRICULTURE:
Submits combined testimony for himself and Mr. Simila [EXHIBIT D] and
informational material [EXHIBIT E].

-Discusses agency history relative to fuel in the state of Oregon;
difficulty is how to fund a program of this nature; agency is supportive of
fuel testing

070 KEN SIMILA, MEASUREMENT STANDARDS DIVISION, OREGON DEPARTMENT OF
AGRICULTURE: Summarizes other aspects of agency's involvement with fuel

quantity/quality, Exhibit C.

100 -Many complaints about fuel never reach our agency
 -Shows three samples of contaminated gasoline

115 SEN. YIH: What would it cost to run a testing program in Oregon?

 SIMILA: Explains roughly three types of programs used by different states.

 The cost depends on the funding mechanism, as well as the intent and scope
of the program; gives several examples of costs.

160 SEN. YIH: What would be an adequate program to make sure standards are
met and how much would that cost?

 SIMILA: In my opinion, the program would respond to all consumer
complaints, do screening, and do sampling; that would start in the \$400,000
category per biennium.

 SEN. YIH: References Secretary of State Auditor's Report [EXHIBIT F];
feels it is important that we have a testing program. Can the Department
of Agriculture make a proposal for what is an adequate program and how much
it'd cost?

 WARD: Yes, we'd be glad to do a detailed fiscal impact.

 CHAIR BAKER: Can you vary the program depending on how many dollars you
have to use?

 SIMILA: Yes, that's correct. Notes problem of time factor in responding
to complaints.

240 SEN. LIM: Who is the responsible party for the gasoline?

 WARD: One of the difficulties is that problems can occur in different
places.

275 CHAIR BAKER: Is the testing done by a private lab?

 SIMILA: The only legally enforceable results are those that meet ASTM
standards, for which there are no testing facilities in Oregon.

295 SEN. SPRINGER: Can you determine how much motor vehicle fuel the State
of Oregon purchases as a government entity? Does the state require fuel
testing for its vehicles?

 WARD: We have a motor pool and, with no state standards, we do not test.

 SEN. SPRINGER: Mr. Chair, I'd suggest that since the state is a
significant purchaser of fuel, they consider requiring certification and
testing of the fuel they use.

325 CHAIR BAKER: Do you know what a fuel testing program may cost per
motorist?

 SIMILA: Testimony from past two sessions indicated roughly 54 cents per
motorist annually.

 CHAIR BAKER: Requests that interested parties meet and look at what might

be an optimum program, what would be tested for, and what kind of standards should be used.

370 JOHN ALTO, CHEVRON DEALER, SHERWOOD, OREGON: Notes water and gasoline don't mix; if there's water in the tank, every customer will get water and have car trouble.

-Supports SB 616, but want levels of fees and taxes that are fair to individual dealers

-References page 2, line 7; retail dealer is defined, but non-retail dealer is not

-References page 2, line 8; requests deletion of "to the public"

-Believe a number problems originate with the person's tank, not the fuel from the dealer

TAPE 32, SIDE B

025 BRIAN BOE, OREGON PETROLEUM MARKETERS ASSOCIATION: Supports SB 616, but has some concerns.

-Request ASTM standards are placed in statute

-Costs of the program range all over the map

-In the long term, how will it be funded once fees from the anti-trust funds are exhausted?

-In reference to AAA's testimony about fuel testing in New York, that involved a fuel switching scam; didn't achieve it's success solely as a function of installing a testing program

050 CHAIR BAKER: Requests Administrator Adkins coordinate with the interested groups to look at what would be involved in a model program.

-Adjourns the meeting.

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Hand-engrossed version of SB 382 -- Staff -- 3 pages

B - SB 382-2 Amendments -- Staff -- 2 pages

C - Informational Material on SB 616 -- Debra Downey -- 34 pages

D - Testimony on SB 616 -- Phil Ward/Ken Simila -- 1 page

E - Informational Material on SB 616 -- Phil Ward/Ken Simila -- 8 pages

F - Secretary of State Auditor's Report re SB 616 -- Staff -- 43 pages