

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 62

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 1149 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 (1:20PM).
-Introductory remarks

PUBLIC HEARING ON SB 1149

Witnesses: Curtis McCracken, President, McCracken Motor Freight
Dell Isham, Raz Transportation
Bob McKellar, Oregon Forest Products Transportation Association
Debra Downey, AAA Oregon
Andrew Eno, U.S. Dept. of Transportation, Federal Highway Administration
Rick Gordon, Lieutenant, Washington County Sheriff's Office
Bob Kauffman, Captain, Portland Police Bureau
Merlin Juilfs, Lieutenant, Multnomah County Sheriff's Office
Everett Cutter, Oregon Railroad Association
Dave Fisher, Director of Government Affairs, Union Pacific Railroad, Omaha
NE
Doug Horstman, Brotherhood of Locomotive Engineers
Jim Stevenson, Captain, Oregon State Police

010 CURTIS MCCRACKEN, PRESIDENT, MCCRACKEN MOTOR FREIGHT: Opposes
SB 1149. PUC is a very positive and effective organization, particularly
in regard to safety and collection of road use taxes.

045 DELL ISHAM, RAZ TRANSPORTATION: Opposes SB 1149 and notes reasons why.

Addresses four issues: Possible repeal of the weight-mile tax; want
safety, insurance, hours of service, and economic regulation maintained
without disruption; issue is complex and needs further study; the bill has
no compelling purpose.

105 BOB MCKELLAR, OREGON FOREST PRODUCTS TRANSPORTATION ASSOCIATION:
Opposes SB 1149 and notes concerns: Recent deregulation affect on safety;
enforcement of regulations needs to be even-handed; not convinced decreased

costs and increased efficiency will be realized; suggest some aspects of
PUC's safety enhancement programs be privatized; possible conflict of
interest situations should ODOT regulate trucking.

165 -In response to Sen. Lim, gives example of conflict of interest

185 DEBRA DOWNEY, AAA OREGON: Opposes SB 1149. Submits and reads testimony
[EXHIBIT A].

225 -Weight/Mile Tax Collection

260 -In response to Sen. Springer, confirms she's heard rumor that repeal of
the weight-mile tax is about to be taken up in the House

SEN. SHANNON: Has PUC contacted you to help defend their position?

DOWNEY: No. I contacted them to gain specific information.

295 SEN. LIM: Requests further clarification of AAA's position on the bill.

315 ANDREW ENO, U.S. DEPT. OF TRANSPORTATION, FEDERAL HIGHWAY
ADMINISTRATION: Opposes SB 1149. Submits and reads text of letter from
Retta Besse, Regional Director [EXHIBIT B].

355 -Partnership between Office of Motor Carriers and State of Oregon, page
2

415 -Safety Fitness Rating, page 3

TAPE 62, SIDE A

030 ENO: Continues testimony; National Perspective, page 4.

045 SEN. YIH: Why do you say safety will be compromised if it's moved to
ODOT?

ENO: There would be a transfer of actual jurisdiction and authority, but
nothing in the bill says there is a transfer of employees. Without people
to enforce this jurisdiction or authority, then safety would be
compromised.

SEN. YIH: But if people are transferred with the jurisdiction, there
shouldn't be a problem.

ENO: It sounds like that's only an option in the bill; there is nothing to
indicate employees would be transferred.

CHAIR BAKER: Current statutes do not put bodies in positions, only
functions.

ENO: The State of Oregon has the ability under our system to designate the
lead agency.

CHAIR BAKER: We have not yet funded PUC for this biennium. We could
defund the agency in a radical move, and still leave all the functions
there.

ENO: That is true, that is your choice. In that case, because Congress
has set the ground rules, our office would have to remove our funding for
the State of Oregon because it would not meet the comprehensive program.

075 SEN. SHANNON: Is removing their funding being considered?

CHAIR BAKER: No.

090 RICK GORDON, LIEUTENANT, WASHINGTON COUNTY SHERIFF'S OFFICE: Opposes SB

1149. Concerned with elimination of personnel and programs whose sole responsibility is to monitor safety and enforce standards. Concerned for moving a successful program to a department that has no history of involvement in that area. In light of all changes being made in the trucking industry, now is not the time to make such major changes.

155 BOB KAUFFMAN, CAPTAIN, PORTLAND POLICE BUREAU: Opposes SB 1149. Submits and reads testimony [EXHIBIT C].

210 -Increase in inter-modal containers, page 2

265 MERLIN JUILFS, LIEUTENANT, MULTNOMAH COUNTY SHERIFF'S OFFICE: Opposes SB 1149. Submits and reads testimony [EXHIBIT D].

315 -PUC staff monitors quality, page 3

375 SEN. SHANNON: Did you come to testify on your own or were you requested by the PUC?

GORDON: I came because I felt it necessary to make a statement in regard to the proposal being considered.

KAUFFMAN and JUILFS concur.

390 SEN. LIM: The data that was distributed is up through 1992. What has happened since then?

405 JUILFS: 1992 is the most recent year that federal statistics are available.

TAPE 61, SIDE B

005 EVERETT CUTTER, OREGON RAILROAD ASSOCIATION: The railroads are neutral on SB 1149. Discusses Federal Railroad Administration (FRA) jurisdiction over railroad safety matters. Oregon railroads are paying twice for the same thing--at the federal level and at the state level. ODOT is the conduit for the federal funds that come into Oregon for crossing safety improvements. Submits informational charts [EXHIBIT E].

080 CHAIR BAKER: Can you address the issue of frequency of inspections?

DAVE FISHER, DIRECTOR OF GOVERNMENT AFFAIRS, UNION PACIFIC RAILROAD, OMAHA NE: Notes FRA standards for frequency of inspections for different types of tracks. Most are inspected twice weekly, some once weekly, and others monthly.

-In response to Chair Baker, those inspections are performed by Union Pacific; calculates the state inspects the tracks approximately once a year
-If the state program were no longer in place, it would make no difference

120 SEN. LIM: States he would like to hear from the PUC on this issue.

CHAIR BAKER: Mr. Cutter, would the crossing safety program be carried through and protected in any move to ODOT?

CUTTER: In our opinion, it should be.

135 DOUG HORSTMAN, BROTHERHOOD OF LOCOMOTIVE ENGINEERS: Opposes SB 1149. Submits and reads testimony, which includes informational material [EXHIBIT F].

190 HORSTMAN: In response to Sen. Shannon, confirms their main concern is

safety for the people on the rail. Notes they work during the day, night, and in all weather.

SEN. LIM: Requests further clarification about why railroads need to be inspected by federal agencies, the railroad companies themselves, and the PUC. Asks what the FRA standards don't cover that the PUC does.

HORSTMAN: Walkway standards and clearances; gives specific examples.

235 SEN. YIH: Comments that if the state inspector only inspects once a year, that really isn't going to do any good.

HORSTMAN: I understand they inspect at least twice a year and sometimes more.

SEN. SPRINGER: Comments on the importance of safety factors.

280 SEN. LIM: How many are federal inspectors and how many are PUC inspectors?

HORSTMAN: I'm only aware of three FRA equipment inspectors that I've had contact with in Region 8, which covers the Pacific Northwest. The only thing a federal inspector can inspect for are federal defects. However, PUC inspectors can inspect for their own requirements and for federal defects. There are places where they don't overlap.

SEN. LIM: Comments that he needs further clarification on the issue.

CHAIR BAKER: Requests PUC respond on Thursday regarding some railroad issues, safety concerns, and frequency of inspections.

325 JIM STEVENSON, CAPTAIN, OREGON STATE POLICE: No position on SB 1149. Do not want some current programs to be compromised. Submits and summarizes testimony [EXHIBIT G].

400 CHAIR BAKER: Adjourns the meeting (2:40PM).

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY: (all of the following exhibits relate to SB 1149)

- A - Testimony -- Debra Downey -- 2 pages
- B - Testimony/Letter -- Andrew Eno -- 4 pages
- C - Testimony -- Robert Kauffman -- 3 pages
- D - Testimony -- Merlin Juilfs -- 4 pages
- E - Charts -- Everett Cutter -- 2 pages
- F - Testimony -- Doug Horstman -- 12 pages
- G - Testimony -- Jim Stevenson -- 7 pages