

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Transportation

March 8, 1993          Hearing Room 357 8:30 a.m.      Tapes 19 - 22

MEMBERS PRESENT:    Rep. Chuck Norris, Chair Rep. Ken Baker Rep. Carl Hosticka Rep. Lonnie Roberts

STAFF PRESENT:            Janet Adkins, Committee Administrator Kimberly Burt, Committee Assistant

MEASURES CONSIDERED:            HB 2509 HB 2492 HB 2337 HB 3050 HB 2832

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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. [--- Unable To Translate Graphic ---]

TAPE 19, SIDE A

CHAIR NORRIS: Calls meeting to order.    (8:35 a.m.)

PUBLIC HEARING ON HB 2509 Witnesses:    Rep. Tim Josi, District 2 Arthur Boyle John Pfeifer, Oregon State Chairman, Pearl Harbor Survivors Association William Rowland Joan Plank, DMV Joanne Peterson, DMV Cpt. Jim Stevenson, Oregon State Police (OSP)

005 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2509 and submits (-1) amendments (EXHIBIT A).

047 REP. TIM JOSI, DISTRICT 2: Explains why he sponsored the bill and why specialized plates are recognizable.

REP. ROBERTS: Did you check with the Pearl Harbor Survivors Association so they understand this?

JOSI: Yes. That is one of the first things I did.

085 ARTHUR BOYLE: Testifies in support of HB 2509; submits and summarizes written testimony (EXHIBIT B).

145 CHAIR NORRIS: Do you feel the proposed design that we are considering here today would suit your needs?

BOYLE: If the line of type across the bottom is large enough that it can be read from the car behind.

155 JOHN PFEIFER, OREGON STATE CHAIRMAN, PEARL HARBOR SURVIVORS ASSOCIATION: Testifies in support of HB 2509; submits written testimony (EXHIBIT C).

185 CHAIR NORRIS: The one sentence that says "all of them gave a negative for being able to identify designer plates". Did you mean they have difficulty identifying designer plates?

PFEIFER: What actually meant was that it is easier for them to identify the designer plates. That was my error.

190 WILLIAM ROWLAND: Testifies in support of HB 2509; submits written testimony (EXHIBIT D).

250 JOAN PLANK, DMV: Testifies in support of HB 2509. - Talks about the designer plates.

300 REP. ROBERTS: Is this going to be cheaper or will this just be easier for law enforcement officers?

PLANK: Doesn't anticipate any major expense. May end up saving money that could offset any additional cost in terms of not having to deal with 50 different kinds of plates. - Changing ham radio operator plates to the custom plate category.

333 REP. HOSTICKA: Are you proposing a design with four digits and a logo?

PLANK : It makes more sense with that configuration for production purposes. - Will work in partnership with any group asking for special plates. - DMV will determine which groups qualify for special plates. DMV can handle that by rule.

405 REP. ROBERTS: How do people qualify for these plates?

PLANK: We haven't worked through those details yet; explains what other states do.

403 JOANNE PETERSON, DMV: Applicants would have to meet certain criteria. - Submits written testimony (EXHIBIT E). CHAIR NORRIS: Line 14, page-- reads qualifications. I think the association will have to take some responsibility to see that only members who are entitled to the recognition.

PETERSON: It is also the same with the National Guard plates.

475 REP. HOSTICKA: Suggests that there also be a way of deleting a group from eligibility and create some ceiling on the number of groups to be able to have these plates.

TAPE 20, SIDE A

040 CPT. JIM STEVENSON, OREGON STATE POLICE (OSP): Comments on the plates. Design is adequate for law enforcement concerns. - Russ Spencer, the lobbyist for the Sheriff's Association asked me to pass on they are in support of this also.

CHAIR NORRIS: Is this general concept something you and your members would feel better about?

050 PFEIFER: Yes.

CHAIR NORRIS: Explains his concerns about designer license plates. Generic plate good place to start.

PFEIFER: A man cannot use a discharge paper for qualification. DD214 form can be used for identification purposes.

WORK SESSION on HB 2509 Witnesses: Joanne Peterson, DMV

100 REP. ROBERTS MOVES TO ADOPT -1 AMENDMENTS TO HB 2509.

CHAIR NORRIS: Discusses the motion.

REP. HOSTICKA: Would like to propose some amendments before adopting -1 amendments.

REP. ROBERTS: Withdraws motion.

REP. HOSTICKA: Moves conceptually DMV be authorized to remove a group from eligibility if necessary. Also suggests, if possible, the rules be reviewed by legislative committee before use. No need to get into nonprofit.

CHAIR NORRIS: I think we could informally request they be reviewed by the Interim Transportation Committee.

138 REP. HOSTICKA: Reviews his proposed amendment to -1 amendment.

145 REP. HOSTICKA MOVES THE -1 AMENDMENTS TO 2509 BE AMENDED TO INCLUDE A PROVISION AUTHORIZING DMV TO REMOVE THE ELIGIBILITY OF A GROUP BASED UPON NON USE.

HEARING NO OBJECTION THE MOTION CARRIES.

REP. ROBERTS MOVES -1 AMENDMENT AS AMENDED BE ADOPTED TO HB 2509.

ADKINS: Will this include the Oregon trail plate?

JOANNE PETERSON, DMV: Yes, it could. Not required to be member of an organization.

HEARING NO OBJECTION THE MOTION CARRIES.

REP. ROBERTS MOVES HB 2509 AS AMENDED TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

IN A ROLL CALL VOTE THE MOTION CARRIES.

Public Hearing on HB 2492 Witnesses: Steven Green, Right of Way Manager, (ODOT) Bob Cortwright, Land Conservation and Development Chuck Pearson, Washington County Surveyor

193 JANET ADKINS, COMMITTEE ADMINISTRATOR: Reviews what the original bill did; submits and reviews the changes addressed by the -2 amendments (EXHIBIT F).

225 STEVEN GREEN, RIGHT OF WAY MANAGER, DEPARTMENT OF TRANSPORTATION (ODOT): Uses a visual graphics to demonstrate what the -2 amendments will do regarding exempting the sale of surplus road right-of-way from partitioning process requirements and survey requirements.

315 REP. ROBERTS: Clarifies what the bill does.

REP. HOSTICKA: Have we done anything with these -2 amendments?.

CHAIR NORRIS: No. We are still strictly in public hearing.

350 REP. HOSTICKA: On your last one again, where you were talking about creating a new parcel for the purpose of land use planning; is that basically what you are talking about?

355 GREEN: Yes.

REP. HOSTICKA: Where is that in the bill?

ADKINS: On page 1b of the hand engrossed bill, sub section D, the last two lines.

370 GREEN: Continues testimony.

REP. HOSTICKA: In your example, if you went to sell, those two pieces on either side of the road are considered one parcel?

GREEN: No. We would only own one parcel; refers to visual aide. To sell this off, we would have to go through the partitioning and survey process.

REP. HOSTICKA: The local government couldn't deny you the right to do that could they?

GREEN: I believe they could under the terms we have written under this bill.

ADKINS: They could also require the sale be conditioned.

415 BOB CORTWRIGHT, LAND CONSERVATION AND DEVELOPMENT: They could condition the sale to make sure it conformed with land use laws.

ADKINS: Or condition that it would have to be sold to the adjacent property owner on the other side?

CORTWRIGHT: That would have to be done before the partition would be approved.

CHAIR NORRIS: Are you saying, under the right of eminent domain, that the state, in acquiring the right of way for a state highway, could be thwarted by the goals and guidelines in the county comprehensive plan?

GREEN: No. Our planning and development process work fine with the local government land use planning effort. It is just in this one particular area of the smaller parcels in the sale of surplus right of way that really have a problem.

CHAIR NORRIS: Is it an existing problem now?

GREEN: Yes. Since this the change to this particular section of the ORS in 1991.

430 CHAIR NORRIS: Is the principle objective of this to permit the sale of some of these fragmentary parcels without a survey?

GREEN: Yes. Without partitioning and without survey.

CHAIR NORRIS: Is chapter 92 the law on subdivisions?

GREEN: That is where this particular problem is.

CHAIR NORRIS: So what we are doing is trying to come up with some kind of amendment to the basic subdivision law?

GREEN: Yes; and exemption for these very specific circumstances of surplus right of way owned by public agencies.

450 CHAIR NORRIS: If you want to sell one of these parcels, how sure can they be of their boundaries if we waive this survey requirement?

GREEN: They are as sure of their boundaries as anyone else who buys a particular piece of property in these circumstances; refers to visual aide to give example.

TAPE 19, SIDE A

033 CHUCK PEARSON, WASHINGTON COUNTY SURVEYOR: Explains why he was originally opposed to the bill. Supports HB 2492 with the amendment.

050 ADKINS: Reviews the -2 amendment. Delete lines 28 and 29 on -2 amendment.

- DISCUSSION OF AMENDMENTS AND RIGHT OF WAY.

115 REP. HOSTICKA: On page 1b, instead of excess you could say sale or grant of property for state highways...use some of that language and clean it up.

ADKINS: And include other right of way purposes, not just road right of way?

REP. HOSTICKA: Yes.

137 CORTWRIGHT: No objection to the -2 amendment.

REP. HOSTICKA: Explains his concern about secondary lands from parcelization.

CORTWRIGHT: Explains why it would not be counted as a parcel. Most parcels sold to adjoining property owners. Very minor effect. CHAIR NORRIS: Has it been a problem that they would give the road crew the other guys property for their parcel?

CORTWRIGHT: We have heard of some selected problems. What we hope to do is work with ODOT in the right of way section so that as these properties are noticed for sale there is clear notice of what the limits are on the use.

189 ADKINS: When is something a lot line adjustment and when is it a partitioning?

CORTWRIGHT: A lot line adjustment is simply where there is an adjacent and you are adding land to or subtracting land from it; so it is two parcels that border each other. A partition is involved when a wholly

new parcel is created; usually there is a third owner involved. It is not the adjacent properties, but a wholly separate parcel and ownership being created.

Work Session on HB 2492

216 REP. ROBERTS MOVES THE -2 AMENDMENT BE CONCEPTUALLY AMENDED WITH THE LIMITATION THAT IT PERTAIN TO THE RIGHT OF WAY ACTIVITIES.

HEARING NO OBJECTION THE MOTION CARRIES.

REP. ROBERT MOVES THE -2 AMENDMENT AS AMENDED TO HB 2492 TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

IN A ROLL CALL VOTE THE MOTION CARRIES.

Public Hearing on HB 3050 Witnesses: Kim Katsion, Washington County Commissioner Mike Maloney, Manager, Operation and Maintenance Division, Washington County Rich Gittchlag, Tillamook County Public Works Engineer Mike Richards, Vice President Labor Union Rep John Meek, District 5

270 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 3050.

315 KIM KATSION, WASHINGTON COUNTY COMMISSIONER: Submits written testimony and testifies in support of HB 3050 (EXHIBIT G).

380 REP. ROBERTS: What is entailed in training someone to be a flagger?

386 MIKE MALONEY, MANAGER, OPERATIONS AND MAINTENANCE DIVISION, WASHINGTON COUNTY: Describes what the training covers.

KATSION: Further explanation of training.

MALONEY: Reviews his prepared testimony in support of HB 3050 (EXHIBIT H).

TAPE 20, SIDE B

030 REP. ROBERTS: You say utility crews; that doesn't necessarily mean a government entity, that could mean PGE or somebody else out there?

MALONEY: Yes, that is correct.

REP. ROBERTS: You said you had two seriously injured people, were the drivers incoherent of what was going on, in a rush, or mad?

MALONEY: In one case the driver was simply inattentive and lost control of the vehicle. In the other case, the driver intentionally hit the flagger. The driver was, in that particular case, was cited with reckless endangerment and assault with a motor vehicle. Most of these

are due to the lack of public awareness of work zone traffic control and the official status of a flagger's stop paddle.

056 REP. ROBERTS: Refers to page two of testimony; please review your proposed language change.

MALONEY: Section two of HB 3050 mentions highway construction crews on the highways; highway construction crew and highways have specific definitions. Our intent is to help to protect all construction, maintenance or utility crews that work in the road ways that have properly trained flaggers.

CHUCK NORRIS: Is there a hang up between the words "road" and "street"?

MALONEY: No.

CHUCK NORRIS: Does "road" cover a vehicular traffic way inside the city?

ADKINS: Explains what the term "highway" includes. ORS 801.305

CHAIR NORRIS: Based on what we have just heard, would you withdraw your feeling that the amendment to eliminate highway should be amended out of there?

MALONEY: Yes.

ADKINS: Other types of signs are held up beside stop signs, the other side usually says slow. Is this limiting to just the stop sign?

MALONEY: Yes. The stop sign is the only regulatory sign used in a traffic control zone. The others are advisory signs.

099 REP. BAKER: If you go buzzing by a slow sign at 90 miles an hour that is not grounds to be cited?

MALONEY: It would be a violation of the basic rule.

107 RICH GITTLAHL, TILLAMOOK COUNTY PUBLIC WORKS ENGINEER: Explains why highway construction work zones are dangerous. - Talks about having certified traffic control people. - Problem with different levels of enforcement for violations of basic rule and what constitutes endangerment or reckless driving. - Want clear cut legal status for flaggers.

158 MIKE RICHARDS, VICE PRESIDENT OF LABOR UNION: Talks about incidences where flaggers were endangered on the job by motorists.

REP. ROBERTS: Is the bill as it stands not broad enough?

GITTLAHL: This is an important first step. Explains how the language could be broader and stronger.

246 REP. JOHN MEEK, DISTRICT 5: Testifies in support of HB 3050. - In some cases, people choose not to recognize a sign and law enforcement officials cannot enforce penalties on violators.

REP. ROBERTS: Am I correct; even if it is not a government entity they still have to either inform a government entity or get some kind of

permit or something to get some road work?

GITTCHLAG: It is supposed to be that way. There are a few fly-by-nighters that do happen. The legitimate utility companies do go through the process.

283 CHAIR NORRIS: Is it possible to be specific of who is covered by this bill; possibly add some language?

REP. BAKER: Comments - enforcement problem more than statutory problem. Need to have more cooperation from local sheriff and prosecutor.

GITTCHLAG: I agree with that. I would like to have a very specific violation that could be cited.

Public Hearing on HB 2832 Witnesses: Susan Schneider, City of Portland  
Erica Rooney, City of Portland Rep. Gail Shibley, District 12

JANET ADKINS, COMMITTEE ADMINISTRATOR: Submits hand engrossed version of HB 2832 (EXHIBIT I).

400 SUSAN SCHNEIDER, CITY OF PORTLAND: Testifies in support of HB 2832. Submits letter from Vera Katz, Portland mayor, booklet concerning city streets (EXHIBIT J), and packet of letters in support of HB 2832 (EXHIBIT K).

425 ERICA ROONEY, CITY OF PORTLAND: Submits and summarizes written testimony in support of HB 2832 (EXHIBIT L); refers to letter from Portland Mayor, booklet concerning city streets, and letters in support of the HB 2832.

TAPE 21, SIDE A

030 REP. GAIL SHIBLEY, DISTRICT 12: Submits and summarizes written testimony in support of HB 2832 (EXHIBIT M).

070 CHAIR NORRIS: Could we get in a situation where there is an intersection with traffic lights all four ways and a pedestrian walks in an unmarked crosswalk?

REP. SHIBLEY: In most intersections with signals, there are also timed pedestrian signals. CHAIR NORRIS: What would happen if we changed the language from "yielding" to "stopping and remaining stopped"?

REP. SHIBLEY: The -1 amendment tries to do that. It also deals with marked and unmarked crosswalks. - The intent was to try to simplify what is a very complex issue. - Will provide to the committee a one page summary including background and rationale for the bill. - Gives examples of accidents involving pedestrians.

141 REP. HOSTICKA: If you have a situation where there are a lot of pedestrians around, enforcement of a law like this may then impede vehicular traffic. Is the intent to have very strict enforcement and to contemplate those kind of results or is it more common sense type of ideas here?

REP. SHIBLEY: It is born out of a concern for loss of life and what I



would call very common sense. Any time you have a collision between an automobile and a human being, the human being is going to loose. - Talks about a particular situation in downtown Portland.

Work session on HB 3050

220 REP. BAKER: Proposes amendment to the -1 amendment; take the language from Mike Maloney's testimony and change it to say "maintenance, construction or utility crews working in the roadway" and insert it in the language at line 8 following the word "highway".

REP. BAKER MOVES THE -1 AMENDMENT BE AMENDED TO INCLUDE HIS PROPOSED AMENDMENT.

HEARING NO OBJECTION THE MOTION CARRIES.

REP. BAKER MOVES HB 3050 AS AMENDED TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

IN A ROLL CALL VOTE THE MOTION CARRIES.

Public Hearing on HB 2832 Witnesses: Doug Klotz, President, Willamette Pedestrian Coalition Nancy Christie Don McGilvray Susan Schnigle

257 DOUG KLOTZ, PRESIDENT, WILLAMETTE PEDESTRIAN COALITION: Submits and summarizes written testimony in support of HB 2832 (EXHIBIT N).

345 REP. ROBERTS: How long have they had this bill enforced in Washington?

KLOTZ: Since July of 1980.

CHAIR NORRIS: Comments.

350 NANCY CHRISTIE: Submits and summarizes written testimony in support of HB 2832 (EXHIBIT O).

395 REP. ROBERTS: Does this bill have anything to do with the new mayor of Portland not owning a car?

CHRISTIE: No. - Comments on pedestrian traffic in Eugene.

430 DON MCGILVRAY: Testifies in support of HB 2832. TAPE 22, SIDE A

015 CHAIR NORRIS: Concerned about the language of HB 2832. Need more clarification from law enforcement area and others before going into law enforcement.

035 SUSAN SCHNIGLE: We would be happy to ask a Portland Police representative to come testify.

Public Hearing on HB 2337 Witnesses: Joan Plank, DMV

048 Janet Adkins, Committee Administrator: Describes HB 2337; submits -1 amendments (EXHIBIT P). - Explains what is included in misdemeanor driving while suspended offenses. Persons who are caught driving while suspended if their suspension was for a misdemeanor will now be in the program where they were not considered stickerable before. Goes back to basis of original suspension.

105 REP. ROBERTS: What is the penalty on the class C traffic infraction?

ADKINS: A maximum of \$100 fine. - Timing question concerning stolen vehicle reference on pg 4.

120 JOAN PLANK, DMV: My reading of that would be that it was stolen prior to the stickers being put on the vehicle. That is the intent of it, not related to when the report was made.

ADKINS: It says "registered owner who can show that the vehicle was reported stolen prior to placement of stickers on the registration plate.

PLANK: We want to make sure that it says that it has to be reported stolen.

ADKINS: Is the intent that if it was stolen prior to being stickered but it could be reported at some later date?

PLANK: Yes; suggests "was reported to be stolen".

CHAIR NORRIS: "To have been stolen". - Will wait for a work session on this.

151 CHAIR NORRIS: Adjourns meeting at 11:15.

Submitted by, Reviewed by,

Timothy Marshall Janet Adkins Committee  
Assistant

Committee Administrator

Exhibit Summary:

A - HB 2509: (-1) amendments submitted by staff, pp 1 B - HB 2509: Written testimony submitted by Boyle, pp 1 C - HB 2509: Written testimony submitted by Pfeifer, pp 2 D - HB 2509: Written testimony submitted by Rowland, pp 2 E - HB 2509: Written testimony submitted by Peterson, pp 2 F - HB 2492: (-2) amendments submitted by staff, pp 4 G - HB 3050: Written testimony submitted by Katsion, pp 8 H - HB 3050: Written testimony submitted by Maloney, pp 8 I - HB 2832: Hand engrossed bill submitted by staff, pp 10 J - HB 2832: Written testimony from Vera Katz and booklet concerning city streets submitted by Schneider, pp 10 K - HB 2832: Packet of letters submitted by Schneider, pp 10 L - HB 2832: Written testimony submitted by Rooney, pp 10 M - HB 2832: Written testimony submitted by Shibley, pp 10 N - HB

2832: Written testimony submitted by Klotz, pp 12 O - HB 2832: Written  
testimony submitted by Christie, pp 12 P - HB 2337: (-1) amendments  
submitted by staff, pp 12