

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Transportation

April 5, 1993      Hearing Room 357 8:30 a.m.      Tapes 32 - 35

MEMBERS PRESENT:    Rep. Chuck Norris, Chair Rep. Ken Baker Rep. Cedric Hayden, Ex-Officio Rep. Carl Hosticka Rep. Lonnie Roberts

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

MEASURES CONSIDERED: HB 3382 HB 2507 HB 2866 HB 2900

TAPE 32, SIDE A

PUBLIC HEARING ON HB 3382 Witnesses: John Rist, Oregon Department of Transportation, (ODOT) Steve Johnston, Manager, Motor Carrier Service Group Chris Artman, Outdoor Advertising Association

007 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 3382; submits fiscal impact statement, (EXHIBIT A).

035 JOHN RIST, OREGON DEPARTMENT OF TRANSPORTATION, (ODOT): Testifies in support of HB 3382; submits written testimony, (EXHIBIT B).

090 CHAIR NORRIS: "On premise" signage isn't affected by this bill?

RIST: Correct.

115 RIST: I would suggest an amendment on Page 2, line 7; to be consistent, change "highway" to "byway".

REP. BAKER: Is the emergency clause time dependent?

RIST: It is, in the sense that we felt the emergency clause was appropriate because we have approximately \$4 million in hand for the State of Oregon; we are sitting on this problem when relating to advertising.

141 CHAIR NORRIS: Some of this money would go to construction this summer?

RIST: We are in planning, and would begin some design and preliminary engineering this summer.

CHAIR NORRIS: What percentage of the typical \$1 million goes to planning verses what percentage goes to construction?

RIST: Will have to get back to you on the entire ODOT budget.

CHAIR NORRIS: Can you answer for this particular one then?

RIST: The \$4 million received to date is to complete the planning study we have on US 101 and would start design and preliminary engineering and would eventually be used for potential projects.

CHAIR NORRIS: At some point I would like you to share with me how much do we spend on paper and how much do we spend on asphalt and concrete.

165 ADKINS: Page 2, lines 3 and 6; the reference to signs, is that going to be any signs or just outdoor, billboard type of signs?

STEVE JOHNSTON, MANAGER, MOTOR CARRIER SERVICE GROUP: It only applies to outdoor advertising signs off premise that are regulated under this statute.

ADKINS: Is there a distance requirement for "along" in the term "along any portion", or is it visible from?

JOHNSTON: Visible from; again that's off premise.

180 JOHNSTON: Submits written testimony, (EXHIBIT C).

238 CHRIS ARTMAN, OUTDOOR ADVERTISING ASSOCIATION: Testifies in support of HB 3382.

- Describes difficulty in having a sign moved; the passage of HB 3382 would allow the state to spend existing federal grant funds and to continue to apply for additional funds for US 101.

WORK SESSION ON HB 3382

313 MOTION: REP. BAKER MOVES TO CHANGE "HIGHWAY" TO "BYWAY".

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

330 MOTION: REP. BAKER MOVES THAT HB 3382 AS AMENDED BE TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. PUBLIC HEARING ON HB 2507  
Witnesses: Chuck Fredrickson, representing Representative Derfler  
Frank Suniga Zelda Suniga Terrance D. Allen Jessica Allen John Sallack  
Dwayne Hofstetter, ODOT

360 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2507; submits informative materials, (EXHIBIT D).

390 CHUCK FREDRICKSON, REPRESENTING REP. DERFLER: Introduces Frank Suniga.

420 FRANK SUNIGA: Testifies in support of HB 2507; submits written testimony, (EXHIBIT E).

TAPE 33, SIDE A

080 SUNIGA: Describes injuries caused by debris flying from overpasses or people either falling or being pushed from overpasses.

120 ZELDA SUNIGA: Testifies in support of HB 2507; submits written testimony, (EXHIBIT F).

230 TERRANCE D. ALLEN: Testifies in support of HB 2507; submits written testimony, (EXHIBIT G). - Describes seven steps foundation and the screen they put up.

300 JESSICA ALLEN: Testifies in support of HB 2507; submits written testimony (EXHIBIT H).

350 ADKINS: Submits written testimony from AAA Automobile Club of Oregon (EXHIBIT I).

350 JOHN SALLACK, DIRECTOR OF SAFETY, OREGON TRUCKING ASSOCIATIONS: Testifies in support of HB 2507. - States in addition to human suffering there is a potential for tremendous property damage and additional suffering and/or fatalities due to objects hitting trucks.

400 TOMMY MALLOY: Testifies in support of HB 2507; submits written testimony (EXHIBIT J).

DWAYNE HOFSTETTER, STATE TRAFFIC ENGINEER, ODOT: Testifies in opposition to HB 2507; submits written testimony and proposed amendments (EXHIBIT K).

TAPE 32, SIDE B 070 CHAIR NORRIS: Are there any federal highway regulations that are pertinent here; would federal highway funding be available for any part of this?

HOFSTETTER: Yes. It is easier to use state dollars because of the small size of the projects.

CHAIR NORRIS: But if we took multiple projects on in the same program that is sizeable, what would be the federal match verses the state amount of money?

HOFSTETTER: About 10% state match and 90% federal.

090 REP. BAKER: What is the total ODOT budget?

HOFSTETTER: Total transportation budget is over a billion dollars for the biennium.

REP. BAKER: If you were to do ten per year, you are looking at thirty years to do this project?

HOFSTETTER: Yes, it could be done.

REP. BAKER: Do you prioritize safety issues?

HOFSTETTER: Yes; there are different priorities used for different categories of funding; can provide list.

125 REP. BAKER: Mr. Chair, please direct that we are given this information.

CHAIR NORRIS: Yes. We will also need a new fiscal impact statement.

145 REP. HOSTICKA: If ODOT is willing to spend \$4 million on design and planning for a highway, this expenditure here doesn't seem to be all that great if we are talking about saving peoples' lives. I would put a priority on this.

155 CHAIR NORRIS: We will do another hearing on this and will ask for these more accurate numbers.

PUBLIC HEARING ON HB 2866 Witnesses: Paul Donheffner, Oregon State

Marine Board Marty Law, Oregon State Marine Board Rep. Bill Tarno,  
District 48 Don Church, Oregon Water Safety Council Dawn Bergman  
Sergeant Curtis Hanson, Manager, River Patrol Unit, Multnomah  
County Sheriff's Office Katy Eymann, Oregon Trial Lawyers Association  
Tad Scharpf, Twin Oaks Building Supply Company Chuck Bennett Deputy  
David Walp, Lane County Sheriff's Office Cody Anderson Merle VaSB inder

215 PAUL DONHEFFNER, DIRECTOR, OREGON STATE MARINE BOARD:  
Testifies in support of HB 2866; submits written testimony (EXHIBIT L).

272 REP. ROBERTS: You are talking about having an observer; I  
understood you to say you aren't locked in on the age thing?

DONHEFFNER: Yes, the bill as introduced does set age limits and we  
do realize that there are children under 12 who are capable to observe.

REP. ROBERTS: The boat operator or owner usually carries  
insurance?

DONHEFFNER: There is no requirement for liability  
insurance; some have insurance.

300 REP. HOSTICKA: if there is an accident, who is liable?

DONHEFFNER: It would be difficult to say, it would depend on the  
accident. - We conducted a five year study and 65% of the  
accidents were caused by the lack of an observer. - Oregon is the only  
western state who allows a mirror as opposed to an observer.

460 REP. BAKER: How many accidents are we talking about?

DONHEFFNER: The study that was done involved 31 accidents.

TAPE 33, SIDE B

030 REP. BAKER: Over what period of time?

DONHEFFNER: A five year period; this number is accidents where  
the cause was known, the actual number of accidents was 46 involving  
141 persons with 34 injuries and one deceased.

040 REP. BAKER: Do you have any indication as to how many  
accidents...how safe boating is. Do we compare our safety verses other  
states' safety?

DONHEFFNER: Yes we do; We base them on accidents per ten  
thousand boats in the state and compare those with the national  
average. The number of accidents in Oregon has exceeded the national  
average for many years.

052 MARTY LAW, STATE MARINE BOARD: Our fatality rate has been  
generally higher than other states for a number of reasons, such as we  
have year round boating.

094 REP. BILL TARNO, DISTRICT 48: For years I was involved in Coos  
County in contracting with the marine board for law enforcement;  
although there weren't many, there were occasions when skiers went  
down and were hit by props on boats. - you do need observers and skier  
down flags.

125 CHAIR NORRIS: I have a letter from a couple in their 70's who ski during the week and have no observer; do you have any solution for them?

TARNO: No.

REP. BAKER: There is no age limit for the operator?

TARNO: That is my understanding, but I don't know.

145 JANET ADKINS, COMMITTEE ADMINISTRATOR: You do have letters at your place, one of which is from the Water Safety Council, (EXHIBIT M).

150 DON CHURCH, OREGON WATER SAFETY COUNCIL: The main problem I have is the inconsistency between Oregon and Washington; I boat on the Columbia and there is inconsistency with observers and skier down flags.

DAWN BERGMAN: Testifies in support of HB 2866 except for the age limit.

180 SERGEANT CURTIS HANSON, MANAGER, RIVER PATROL UNIT, MULTNOMAH COUNTY SHERIFF'S OFFICE: Testifies in support of HB 2866; submits written testimony, (EXHIBIT N). - The language from line 27 down would codify current practice.

272 HANSON: Personal water crafts have an age limit on drivers, 14; such as jet skies.

280 KATY EYMANN, OREGON TRIAL LAWYERS ASSOCIATION, (OTLA): Testifies in support of HB 2866. - We feel the changes would be good as there are better ways than law suits to teach safety.

315 TAD SCHARPF, TWIN OAKS BUILDING SUPPLY CO: Testifies in opposition; submits written testimony, (EXHIBIT O).

440 CHUCK BENNETTE: Testifies in opposition to the observer portion of HB 2866; submits written testimony, (EXHIBIT P).

TAPE 34, SIDE A

056 BENNETT: This observer requirement will affect skiers out by themselves on weekday mornings or other times. - I believe we have a need for driver education in boating.

090 CHAIR NORRIS: Do you see the inconsistency with Washington law to be a problem?

BENNETT: No. In Florida, the water ski capitol of the US, the mirror is still used without an observer.

110 GWEN SUNKEN: Testifies in opposition; submits written testimony, (EXHIBIT Q).

190 CHAIR NORRIS: If the age limit were worked on, would that solve your problem?

SUNKEN: My problem, but not my friends'.

171 REP. BAKER: You would like to have operators certified; do other

states do that?

SUNKEN: I don't know; I had seen an article of safety in the future; I would be willing to go to a class and pay to be certified.

200 DEPUTY DAVID WALP, LANE COUNTY SHERIFF'S OFFICE: Testifies in support of HB 2866; submits written testimony, (EXHIBIT R). - To require the skier down flag you need the observer to be able to get the flag and stand up with it.

270 REP. BAKER: We've been given a map of the western states and we are the only one out of 11 states that doesn't require an observer and one of three states out of 11 that doesn't require a flag.

WALP: I would like to pull our citations and tell you what is happening; it is usually one or two things, either the operators aren't watching where the boat is, or the boat is drifting while changing skiers with other boats in the area.

300 REP. BAKER: What would you commonly cite a careless boat operator for and do you have statistics?

WALP: There are statistics you can get from the marine board.

330 CODY ANDERSON, EUGENE OREGON: Opposed to this HB 2866; it will affect my personal life and my friends. - I am the president of a water ski club that does focus on safety. - This would cut down on hours available to ski therefore causing more crowding during the hours available. - I am in support of the flag; I have a problem with the observer as many times I can't find anyone.

420 ANDERSON: Perhaps we should redirect this, looking at the majority of the boating community; I would like to see a break down of skier accidents vs. boating accidents and also alcohol related problems.

TAPE 35, SIDE A

030 MERLE VASB INDER: Testifies in opposition; submits written testimony (EXHIBIT S).

075 REP. ROBERTS: I've heard some who oppose HB 2866 like the flag, what is your opinion of the flag?

MEARLE: I have no problem with the flag although it is cumbersome when there is no one else on the lake.

107 CHAIR NORRIS: There will be another hearing on HB 2866. This issue is torn in two; law enforcement supporting it and ordinary family groups opposing. I want you people to discuss this outside the committee room and come up with some possible amendments. It is difficult to come to any reasonable conclusion on it until then.

WORK SESSION ON HB 2900

153 MOTION: REP. ROBERTS MOVES THAT LINE 26 OF PAGE 2 BE DELETED FROM THE (-1) AMENDMENTS.

164 MIKE MEREDITH, OREGON TRUCKING ASSOCIATIONS: If we take out the provision, then jeeps would be treated as trailers and we need jeeps, low boys and boosters treated under type 2 mud flaps.

REP ROBERTS: I will withdraw my motion.

180 MOTION: REP. ROBERTS MOVES THAT LINES 33 AND 34 BE DELETED FROM THE (-1) AMENDMENTS.

JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes amendment, submits informative material, (EXHIBIT T).

230 CHAIR NORRIS: Line 23 finally gets down to that the bobtail would have to have type 1 fenders or mudguards. I think we have the bobtail covered.

240 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

244 MOTION: REP. ROBERTS MOVES THAT HB 2900 AS AMENDED BE SENT TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

255 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS EXCUSED: HAYDEN

Meeting adjourned 11:15

Submitted by, Reviewed by,

Timothy Marshall, Janet Adkins, Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 3382: Fiscal impact statement submitted by staff, pp 1 B - HB 3382: Written testimony submitted by Rist, pp 1 C - HB 3382: Written testimony submitted by Johnston, pp 2 D - HB 2507: Informative material submitted by staff, pp 3 E - HB 2507: Written testimony submitted by Suniga, pp 3 F - HB 2507: Written testimony submitted by Suniga, pp 3 G - HB 2507: Written testimony submitted by Allen, pp 3 H - HB 2507: Written testimony submitted by Allen, pp 3 I - HB 2507: Written testimony submitted by AAA Automobile Club of Oregon, pp 3 J - HB 2507: Written testimony submitted by Malloy, pp 3 K - HB 2507: Written testimony and proposed amendments submitted by Hofstetter, pp 4 L - HB 2866: Written testimony submitted by Donheffner, pp 5 M - HB 2866: Written testimony submitted by Church, pp 6 N - HB 2866: Written testimony submitted by Hanson, pp 7 O - HB 2866: Written testimony submitted by Scharpf, pp 7 P - HB 2866: Written testimony submitted by Bennett, pp 7 Q - HB 2866: Written testimony submitted by Sunken, pp 7 R - HB 2866: Written testimony submitted by Walp, pp 7 S - HB 2866: Written testimony submitted by VaSB inder, pp 8 T - HB 2900: Informative material submitted by staff, pp 9