

SENATE COMMITTEE ON TRANSPORTATION

March 15, 1993 Hearing Room C 3:00 p.m. Tapes 32 - 33 MEMBERS
PRESENT: Sen. Joan Dukes, Chair Sen. Bob Kintigh Sen. Jim Bunn Sen.
John Lim Sen. Tricia Smith Sen. Catherine Webber Sen. Mae Yih STAFF
PRESENT: Ruth Larson, Committee Administrator Shannon Gossack,
Committee Assistant MEASURES CONSIDERED: Executive Reappointment -
Don Christensen SB 259 SB 594

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TAPE 32, SIDE A

006 CHAIR DUKES: Calls meeting to order at 3:16 p.m. Senator T. Smith is excused for today.

EXECUTIVE APPOINTMENT:

017 DON CHRISTENSEN: I'm retired and I have a lot of boating background and experience. I enjoy working with boaters and boating organizations.
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023 CHAIR DUKES: Any real challenges over the last five years? Senate Committee on Transportation March 15, 1993 - Page 2 026 CHRISTENSEN: Activity is increasing and we need to try to avoid any conflicts. -Explains the Portland Metropolitan-Waterway Study-Group regarding user conflicts in relation to rule making.

044 SEN. BUNN: There have been proposals to abolish the Marine Board. How do you feel about that? 048 CHRISTENSEN: I think it's a bad idea. We have dedicated funds and we serve the people with the money they pay. We use no general fund money so I don't see a conflict. 056 SEN. BUNN: Some counties have talked about charging a fee for the use of their facilities. Do you see a problem with that? 065 CHRISTENSEN: We encourage the managers of these ramps not to charge double fees. If they choose to, then we do not contribute to their assistance in rest room maintenance and othe'r maintenance activities around their docks.

073 CHAIR DUKES: What was the position of the board to merge with State Parks? 078 CHRISTENSEN: I know I opposed it. -I think we are best geared to serve the boaters because of the dedicated funds and 33 years of experience. 084 CHAIR DUKES: I don't think there was anyone that test)fied in favor of it. 088 SEN. BUNN: Do you think there should be fees for non-motorized boats? 092 CHRISTENSEN: I think all boats should be numbered by the Marine Board. They use the services also. 102 CHAIR DUKES: What changes did you make on your mission statement?

106 CHRISTENSEN: Mostly language changes. We are focusing in on safety, education and access to waterways.

112 CHAIR DUKES: What has been the effects of the boating under the influence legislation from 1991? 121 CHRISTENSEN: We are seeing more enforcement, instead of 3045 citations we are seeing numbers up to 60. More boaters are taking it seriously and drinking less. MOTION: Senator Bunn moves that the appointment of Donald W. Christensen to the State Marine Board be sent to the floor with a recommendation that he be reconfirmed. VOTE: In a roll call vote the motion carries with Senators J. Bunn, Lim, Webber and Chair Dukes voting AYE and Senators Kintigh, T. Smith and Yih excused. Senator J. Bunn will carry.

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PUBLIC HEARING ON SB 259: Clarifies maritime pilots regulations and repeals outdated provisions. = - -

SUE MANNA, LEGISLATIVE COUNSEL KEVIN DAVIS, COLUMBIA RIVER PILOTS
CAPTAIN CHUCK PATCHING, COLUMBIA RIVER PILOT IRVING POTTER, BOARD OF
MARITIME PILOTS

146 LARSON: Explains SB 259 to Committee members and the information in their folders. Submits SB 259-1 amendments. (EXHIBIT B) Submits testimony of Virginia Barton. (EXHIBIT C)

176 SUE MANNA: Reviews existing law in regard to maritime pilots. Explains how she wrote SB 259 in regard to grammar. -There are substantive changes in section 3, subsection 5 regarding a quorum. -In section 6, page 4, line 30; the board did not have the specific statutory authority in regard to remanding an order. -I bring section 7 to your attention because it pertains to affirmative action. The board is simply not)ified when someone is training. It is changed so that before training begins an applicant will notify the board on any form that is required by the board. Then they can at least get an address or a phone number. The board is only not)ified when someone is training.

307 SEN. WEBBER: How could one insert language to assert the affirmative action? 312 MANNA: Last session there were numerous suggestions regarding this issue. An affirmative action study was worked on in the Fiscal office. -You might be able to do it by saying the board can "reject" anyone and in accepting they shall pay attention to certain affirmative action issues. -I think there has been some concern that the board should have been doing something and wasn't but I'm not sure how much they could realistically do because of the way the statute is written. 347 CHAIR DUKES: If we didn't have the amendments and we had an incident that was being investigated wouldn't the pilot's license be renewed? 353 MANNA: It's not clear.

360 CHAIR DUKES: If there are no other circumstances involved then the license would likely be renewed.

365 MANNA: As long as all other procedures were followed it would.

373 SEN. LIM: Asks about \$1,500 fee on page 3, line 23 of the bill.

376 MANNA: That was existing statute and determined by fiscal in order to run the board. 371 CHAIR DUKES: Thanks Sue Hanna for her work on SB 259.

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383 KEVIN DAVIS, COLUMBIA RIVER PILOTS: Testifies in support of SB 259. -We are available to answer any question especially in regard to affirmative action. ~ - -Explains the Columbia River Pilot Program.

TAPE 33 SIDE A

020 DAVIS: Explains ways in which the Columbia River Pilots are accomplishing a successful affirmative action program. 057 SEN. BUNN: Is it possible through a longer training period to directly become a pilot? 061 DAVIS: The average experience is 16 years as a tug boat captain. -Discusses different kinds of experience. 079 SEN. BUNN: How many women or minorities are captains now and how many years away are we before there is one?

079 CHUCK PATCHING, COLUMBIA RIVER PILOT: Currently we don't have any minorities or women. Five years ago we had a woman tug captain but she made a career choice to go back to deep sea. 087 SEN. BUNN: Are we 16 years away from the first? 089 PATCHING: Currently there are minority deck hands but I'm not sure where they are in terms of advancement. 093 SEN. BUNN: Do we really need 16 years? 096 PATCHING: I'm not sure 16 years is a magic number. They do need tug boat experience on the river. 111 SEN. BUNN: Are we ten years away?

115 PATCHING: That is a fair statement.

120 SEN. WEBBER: What is going on in other states? What do they require for training to get in?

127 DAVIS: I'm not sure of other areas. There is one woman in San Francisco who is a bar pilot. Most people out of the academy are going into the deep sea area and this group eventually will become Columbia River bar pilots. 137 SEN. WEBBER: What types of recruiting are you doing and do you have a formal plan?

130 DAVIS The board is in the process of getting affirmative action information from all of the tug companies.

151 PATCHING: We do have members that have been to other academies and started as deck hands on a tug boat and worked their way up.

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157 SEN. WEBBER: So the academy doesn't help?

163 PATCHING: Not really.

166 SEN. WEBBER: I can think of a few other professions where the experience requirement is similar. You wonder how many of the tests or

qualifications are absolutely necessary or just a bar to whether people get into a business.

167 DAVIS: Discusses a study that was done on training.

172 CHAIR DUKES: Do you set all of the qualifications?

176 DAVIS: Explains who has the authority. -The board now has very detailed qualifications that have to be met for licensing on the river and it goes up through the degrees of licensing.

191 CHAIR DUKES: Who decides the 16 years of experience on tug boats?

195 DAVIS: That is the average experience. The boards minimum is 730 working days as a captain on a tug. It would take more than two years in order to get that number.

203 CHAIR DUKES: Would you accept someone with two years of experience? 204 PATCHING: Yes we would. That is the minimum requirements from the state. We also have the two year tug boat captain rule within our organization. We are looking for the best. 214 CHAIR DUKES: Do you have a waiting list? 215 PATCHING: There are approximately 22 people. 217 CHAIR DUKES: Would a person have to be in line on the waiting list?

220 PATCHING: No, not necessarily. There are a lot of things that go into this type of decision.

229 CHAIR DUKES: The board has now set some minimum standards. Do you have to move someone forward if they meet those minimum standards? Once you have them in training do you have to move them forward even if you think they need more time? 236 PATCHING: Every applicant on the list has met those minimum standards.

239 CHAIR DUKES: So meeting the minimum standard doesn't mean too much?

240 PATCHING: It means you're under consideration for training.

242 CHAIR DUKES: But as a training organization you don't have to move them on even if they meet the minimum standards if you don't feel they are ready.

244 PATCHING: Correct.

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246 SEN. KINTIGH: What is the average yearly turn-over.

232 PATCHING: About two per year out of the 41 pilots. -If ship traffic warrants it we could expand our organization.

258 DAVIS: In Coos Bay the turnover is once a decade.

261 SEN. LIM: I think the training program should be different. There should be some criteria for the training besides the 16 years of

experience. Who owns the tug boats? 274 PATCHING: The tug boats are owned by individual businesses. 275 SEN. LIM: To be a trainer, possibly if you know a person or have the money to buy a tug boat you might have a good chance to be a pilot later on. 282 PATCHING: The pilots are employees of the tug boat companies. 285 CHAIR DUKES: The board sets the qualifications to be licensed as a pilot. Does the board also set the minimum qualifications to advance into training? 290 DAVIS: Yes. 292 CHAIR DUKES: Who determines if I'm qualified for you to accept as a trainee?

295 DAVIS: There are 20 people who meet the minimum qualifications.

298 CHAIR DUKES: To get started on your career path. You're saying you have to have been a pilot of a tug boat. I don't think that is written anywhere. Who determines the qualifications to become a trainee?

303 DAVIS: The two years of operating a tug boat is part of the rules established by the board. 306 PATCHING: Before you can even be

considered to enter the training program. 308 CHAIR DUKES: They set some basic criteria that you have to meet before you can become a trainee. Do the organizations set any more criteria before you can become a trainee above what the board sets? 315 PATCHING: They all meet the minimum board qualifications and then it is a matter of looking at the pool of people and deciding who is the best. 326 CHAIR DUKES: How many new trainees have you had in the last two years?

328 PATCHING: Approximately four. 332 CHAIR DUKES: Have you taken in any new pilots in the last two years?

334 PATCHING: Those four. - . 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. Senate Committee on Transportation March 15, 1993 - Page 7

335 CHAIR DUKES: So these four are in the process of their training. Has been anyone that has obtained the final license in the last two years?

337 PATCHING: No. 345 SEN. YIH: Are there any women pilots or any interested in being one?

348 PATCHING: We hope there are. There are women who are presently deck hands. There are also women out in the ships off shore who will become bar pilots someday.

358 SEN. BUNN: Of the four in the pipeline now are any related to current pilots in your organization? 371 DAVIS: Three of the four are to be Columbia pilots and the other one is being trained as a Lewis and Clark pilot and is the son of one of the current pilots. 379 JODIE FISHER, LEWIS & CLARK PILOTAGE: Reviews SB 259-1 amendment. (EXHIBIT B) -Explains why her organization needs SB 259-1 amendments. -Lewis & Clark has supported all affirmative action legislation. 430 SEN. KINTIGH: Asks about the Lewis & Clark Pilotage. 443 FISHER: We split off from the Columbia River pilots and formed our own company.

446 CHAIR DUKES: What have you done in the last two years to advance affirmative action?

449 FISHER: Explains where the trainees have traditionally come from. -Given the rules that the board has put out in regard to tug boat operators we are hampered. 467 CHAIR DUKES: I'm surprised they

haven't done anything.

471 FISHER: They did testify in the administrative hearings to get it opened up.

476 CHAIR DUKES: They didn't go out and see if there was a woman out there somewhere who wanted to be trained. 482 FISHER: I am not aware if they did or did not do that.

TAPE 32, SIDE B

042 SEN. YIH: Why do you have to be a tug boat captain before you can become a trainee?

044 FISHER: That is the requirement we would like opened.

047 IRVING POTTER, PUBLIC MEMBER OF THE BOARD OF MARITIME PILOTS: I don't believe our regulations have criteria for beginning training. We have criteria for being a licensee. People haven't entered the specific training to be a pilot until they've met those criteria, but they don't have to have met them before they become trainees. Logic says it's silly to begin

These minutes contain materials which paraphrase and/or summarize statements made during this session Only text enclosed in quotation marks repon a speaker's exact words For complete contents of the proceedings, please refer to the tapes Samb Committee on Transportation March 15, 1993 - Page 8 training if you don't have your masters certificate, if you can't become a pilot until you have your certificate.

- 072 CHAIR DUKES: They aren't likely to become captain of a river boat and captain of a barge at the same time. 074 POTTER: Discusses the master certificate. -Explains why tug boats are needed in the training. 137 CHAIR DUKES: Do you have any rules to aid in affirmative action?

140 POTTER: There was a hearings process on rules relating to requirements before I was a member. We haven't begun that again because we have been doing new rates and tariffs. The board intends to determine if there is some way to have some influence over this issue in regard to the tug boat industry. 157 CHAIR DUKES: Would you oppose it if we helped you with this?

160 POTTER: I wouldn't mind as long as it was something we could actually do. Discusses the issue of authority.

168 CHAIR DUKES: Does the barge experience have to be on the Columbia River? 172 POTTER: I believe one must know the river. The Columbia River is very unique and you need time on the river system. 182 SEN.

LIM: How long have there been the 41 pilots? If there is an increase of ships coming into the ports would the number be increased?

190 POTTER: The statutes state that we limit to the minimum number of pilots.

197 CHAIR DUKES: But you do have the authority to increase the numbers. 204 SEN. BUNN: Couldn't the current pilots work more with the trainees to get them through the process more quickly?

214 PATCHING: There is a lot of knowledge and skills that are needed just coming into the training. The board mandated training is the finishing touch. 220 SEN. BUNN: Can we take someone that is starting out and bring in an individual from scratch and train them to be a pilot

in four years? 133 PATCHING: The rules from the board are the minimum. 237 SEN. WEBBER: Asks the state agency to make calls to other states that have these types of licenses. 248 PATCHING: There are 200 people that have the qualifications.

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257 SEN. WEBBER: Call other states and find out about affirmative action.

265 PATCHING: We know of no one that has lowered the standards.

273 DAVIS: Anywhere you look you would find an extremely high level of local knowledge. 282 PATCHING: I think we are the only organization that offers a scholarship. 291 SEN. WEBBER: Who is in the program and where do they go to school? Do you have just one scholarship or several? 299 PATCHING: We don't have anyone on the scholarship yet because it was just set up. We have scholarships available to however many women or minorities apply. 321 SEN. LIM: How many bar pilots are there and how many river pilots are there? 323 PATCHING: There are 22 bar pilots and 41 river pilots. There are 70 pilots licensed by the state. All three pilotage grounds have different qualifications for pilots. Pilots from the river come from tug boat captains and pilots from the bar come from deep sea captains.

PUBLIC HEARING ON SB 594: Provides that operation of vehicle with certain bumper heights are an unsafe operation of a vehicle.

SCOTT THOMPSON, AUTOMOBILE CLUB OF OREGON FRANK ALLEN, CITIZEN

334 LARSON: Explains SB 594 to Committee members. Submits SB 594-1 amendments. (EXHIBIT D) Submits written testimony of Steve Garets. (EXHIBIT E) 387 SCOTT THOMPSON: Submits and reviews written testimony. (EXHIBIT F)

TAPE 33, SIDE B

033 SEN. KINTIGH: Could the loop hole in other states work in the reverse here? 035 THOMPSON: I don't know how that would work. 045 SEN. WEBBER: Why is 30 inches suggested? Have you talked to any engineers about this?

048 THOMPSON: I was just trying to comply with Washington State.

053 SEN. WEBBER: Isn't 30 inches still dangerous?

057 THOMPSON: Discusses the National Highway Transportation standard heights. This is just targeted at non-commercial vehicles. -I would be willing to amend this bill to make it lower.

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063 SEN. WEBBER: Asks about statistics from the Florida highway patrol in regard to accidents.

066 THOMPSON: I didn't get that information.

073 SEN. WEBBER: What about the stability of a car?

076 THOMPSON: Discusses the angle of approach in regard to safety.

082 SEN. WEBBER: At what height does it begin to decrease safety?

087 SEN. DUKES: There is also the issue of head lights shining into rear view mirrors. 090 THOMPSON: Explains current statute regarding headlights.

097 FRANK ALLEN, CITIZEN: Testifies in support of SB 594 and submits written testimony. (EXHIBIT G) f

132 SEN. WEBBER: Thank you for coming and testifying. Are you aware of any other states that have had these types of accidents?

140 ALLEN: Not recently. 144 SEN. YIH: What about the rear bumper height? 170

ALLEN: The standard manufacturer bumper height would be acceptable. 179 SEN. YIH: You would be happy with the height of the pickup bumper? 183

ALLEN: The maximum is 30 inches in other states.

187 CHAIR DUKES: We will do some research on this issue and get more information on what the standard height is off the assembly line.

197 SEN. KINTIGH: I would be open to making this lower than 30 inches.

203 CHAIR DUKES: Adjourns meeting at 4:55 p.m.

Submitted by, Reviewed by, Shannon Gossack Ruth Larson
Assistant Administrator ~ , .

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EXHIBIT LOG:

A- Executive Appointment, Don Christensen, 13 pas. B - SB 259-1 amendments, Staff, 1 pg. C - Testimony of Virginia Barton SB 259, Staff, 1 pg. D - SB 594-1 amendments, Staff, 1 pg. E - Testimony of Steve Garets SB 594, Staff, 1 pg. F- Testimony SB 594, Scott Thompson, 14 pas. G - Testimony SB 594, Frank Allen, 1 pg.

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