

SENATE COMMITTEE ON TRANSPORTATION

April 7, 1993 Hearing Room C 3:00 p.m. Tapes 46 & 47 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: SB 594 SB 713 SB 486 SB 879

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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 45, SIDE A

006 CHAIR DUKES: Calls meeting to order at 3:30 p.m.

WORK SESSION ON SB 594:

SCOTT THOMPSON, AUTOMOBILE ASSOCIATION OF AMERICA BILL THOMPSON, OREGON
STATE POLICE AL ELKINS, OREGON TRUCKING ASSOC. & OREGON TOW ASSOC. MIKE
UNGER, MOTOR VEHICLE DIVISION

015 LARSON: Reviews intent of SB 594 and explains SB 594-1
amendments. (EXHIBIT A)

038 CHAIR DUKES: Isn't 29 inches the same as Washington State?

047 LARSON: Washington is at 30 inches. -Everyone involved with this
bill agreed that 29 inches was the best way to go. Senate Committee On
Transportation April 7, 1993 - Page 2 -Presents conceptual amendment
supported by Legislative Counsel. (EXHIBIT B)

050 CHAIR DUKES: What if there isn't a bumper at all?

058 SCOTT THOMPSON, AAA: That is a whole other issue. -Explains
problem with frame specification list. 065 CHAIR DUKES: Isn't there a
height difference between front and rear bumper normally. What do we do
here in this bill, we just have one height? Some states have different
heights. 070 THOMPSON: The front and the rear won't be able to be
over 29 inches. 071 CHAIR DUKES: What is the standard difference?

075 THOMPSON: The 25 inches is the highest we found.

078 CHAIR DUKES: Is there a problem anywhere with legislation like
this?

080 SEN. BUNN: Could you jack up the vehicle and then lower the bumper?

082 THOMPSON: That would still prevent the bumper from being too high.

085 SEN. BUNN: Why any height for the rear bumper? 088 SEN.

KINTIGH: If they don't have to have a rear bumper than what good is
this? 098 THOMPSON: Suggests doing the bumpers first and then
consider frame limitations later. 095 CHAIR DUKES: So we're saying

most vehicles have a bumper front and back and if you have a bumper it
can't be more than 29 inches. 097 SEN. LIM: How many bumpers can a
vehicle have?

100 THOMPSON: It wouldn't matter if they put two bumpers on the back of a vehicle; as long as the top one isn't over 29 inches.

112 BILL JOHNSON, OREGON STATE POLICE: There would be no problem enforcing this.

116 CHAIR DUKES: I suppose you carry a tape measure.

MOTION: Senator J. Bunn moves to conceptually amend SB 594 with the hand written conceptual amendments; making it clear that the bumper height is no more than 29 inches.

136 LARSON: Suggests additional language regarding vehicle weight of 10,000 pounds or under in the bill. 139 SEN. BUNN: The written conceptual amendment has vehicle weight in it. ~?~

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. ~ 148 SEN. KINTIGH: Would commercial vehicles be replaced by the 10,000? 151 CHAIR DUKES: Yes, maybe in addition to. We don't have commercial vehicles that are under 10,000 pounds. 156 SEN. BUNN: I was assuming we were replacing that language with the 10,000 pound or over language. -It would be "owns a vehicle of gross vehicle weight of 10,000 pounds or under." 162 CHAIR DUKES: I think we had testimony reflecting the need to exempt commercial vehicles. 164 AL ELKIN, OREGON TRUCKING ASSOCIATION AND OREGON TOW TRUCK ASSOCIATION: We have commercial vehicle' that would fall under the 29 inch provision that are 10,000 pounds and below. 170 SEN. BUNN: Is a farm vehicle a commercial vehicle and are there non-commercial vehicles that would have a problem with this? 172ELKIN: We do have recovery vehicles for purposes of high terrain climbing to recover wrecks that could perhaps fall under this category. 179 CHAIR DUKES: This is aimed at people in their private vehicles.

196 MIKE UNGER, MOTOR VEHICLE DIVISION: Explains exemption in regard to farm vehicles.

202 ELKIN: We have commercial vehicles that are 8,000 to 10,000 pounds that we use in the towing industry. 209 SEN. LIM: Could a monster truck be registered as a commercial vehicle? . 215 CHAIR DUKES: They wouldn't be able to do that. There are several criteria to fall under before becoming eligible. 219UNGER: There are vehicles under 26,000 pounds that could be commercial motor vehicles and those are the ones that carry hazardous materials, or sixteen or more passengers. 212 CHAIR DUKES: I think we would want to continue to exempt commercial vehicles regardless of their weight. MOTION: Senator J. Bunn moves to add additional language to his previous motion by adding language that would exempt commercial motor vehicles. VOTE: Hearing no objection the conceptual amendment is adopted. MOTION: Senator J. Bunn moves SB 594, as conceptually amended, to the floor with a "DO PASS" recommendation. . ~ , ,

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VOTE: In a roll call vote Senators J. Bunn, Kintigh, Lim and Dukes voting AYE, and Senators T. Smith, Webber and Yih excused. Senator Kintigh will carry.

WORK SESSION ON SB 713

EVERETT CUTTER, OREGON RAILROAD ASSOCIATION CRAIG REILLY, PUC

252 LARSON: Explains the intent of SB 713 and submits SB 713-1 amendments. (EXHIBIT C)

249 EVERETT CUTTER, OREGON RAILROAD ASSOCIATION: All parties agree on the amendments and that they do what they are intended to do.

277 CHAIR DUKES: Explain the amendments. c 281 CUL-lkR: This bill deals with private crossings in regard to access and authority of PUC. -This bill offers PUC a tool in working with ODOT and the railroads to enable settlements; alternative means of access in order to eliminate the crossings. -The amendments ensure that funds used in high speed rail corridor projects come from monies designated specifically for the high speed project. We don't want them dipping into the existing grade crossing protection account which the PUC uses to upgrade or put new signals in at public crossings. 330 CHAIR DUKES: Asks about the hearing procedure. Are we deleting any rights to a hearing?

335 CUTTER: This gives us a new category of PUC jurisdiction in relation to private crossings. 342 CHAIR DUKES: Would a person still have the right to a hearing?

349 CRAIG RILEY, PUBLIC UTILITY COMMISSION: The bill allows for people who have a complaint to have a hearing if they cannot resolve their matters equitably. If we can reach an agreement we want the language in there that says we are not required to hold a hearing.

361 CHAIR DUKES: It takes out "unless a hearing isn't required". Is that existing statutory language now that we are removing? (EXHIBIT D) -All we're doing is setting up a process where you can resolve these without going through the formal expensive process. -What happens if no resolution is ever reached? 413 RILEY: The parties involved will have every opportunity to explore alternatives to resolve the questions or concerns. As a last resort the eminent domain issue would come into play.

TAPE 47, SIDE A

004 CHAIR DUKES: Refers to ORS 763.130 relating to stop sign installation.

011 RILEY: Explains only statute currently dealing with private crossing.

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013 SEN. YIH: What about mediation in case of imminent domain? Is there anything in place before it goes to court?

022 CHAIR DUKES: This whole process is a mediation process. If the person isn't satisfied it is their right to go to court. 030 SEN. YIH: If the person wins then their attorney fees are paid by ODOT.

034 SEN. LIM: Asks about attorney fees in regard to city and counties. It might cost the individual a lot of money if they go to court. 054 SEN. BUNN: It is stated in the amendments on line 34.

058 CHAIR DUKES: You don't want attorney fees from this private citizen who was trying to hang on to his property rights do you?

059 RILEY: I don't believe we do. 074 LARSON: Clarifies what SB 713-1 amendments do.

080 SEN. BUNN: Who pays?

083 CHAIR DUKES: If the final order of the Commission is appealed and the city or county prevails it shall be entitled to costs and reasonable attorney fees. 086 SEN. BUNN: Against the state? 087 CUTTER: It would typically be a public authority who would challenge a PUC order where a public crossing is concerned. 088 CHAIR DUKES: The order is issued by ODOT at the direction of PUC. 092 CUTTER: Discusses power of eminent domain in regard to ODOT. -This just creates a whole new category of highway project and extended the power. 098 CHAIR DUKES: Why would the city or county appeal this? 101 CUTTER: It isn't likely that this would occur. I think the economic development of the high speed rail would be sufficient for cities and counties to consider it favorable. 105 SEN. BUNN: If you're dealing with public crossing a city or county might choose to appeal, but in this case the city or county wouldn't even be a party to it. It would be a private land owner appealing it. I don't know if we are creating a problem but it is confusing. We are taking statutes that have dealt with cities and counties appealing the state on public crossings and trying to bring in the private crossings that the city or county would normally have no business dealing with and saying if they prevail they get attorney fees. They wouldn't prevail because they wouldn't be a party to the suit. It would be the private owner that would be. Is the private owner property owner given the same status as the cities and counties in regard to appealing and attorney fees? ~ ~,

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126 CUTTER: I believe that is the intent of the amendments. They were drafted by my Counsel and approved by Legislative Counsel.

130 RILEY: The intent is for a party that appeals and is successful in the appeal to be reimbursed for their attorney fees.

138 CHAIR DUKES; I think you need your own section. We'll bring this back next week and have counsel go through it one more time.

PUBLIC HEARING ON SB 486: Requires separate restroom facilities for disabled persons.

LAUREL WHITEHURST, LEGISLATIVE ASSISTANT TO SENATOR ROBERTS PATRICK ROGERS, OREGON PARALYZED VETERANS EDNA PINNED, AUXILARY POST 4039, CRESWELL JOYCE ZERANGUE, AUXILARY POST 4039, CRESWELL MARY BYRKIT, MHAO, OAMI, ADVOCACY COALITION OF SENIORS AND DISABLED HOWARD SHAPIRO, OREGON STROKE ASSOC. MARGARET GUTH, AUXILARY POST 4029, CRESWELL BEVERLY BETTIS, MULTIPLE SCHLEORSIS-GOVERNMENT RELATIONS CINDY WEELDREYER, ASSISTANT, LANE COUNTY COMMISSIONER - BILL HAYDEN, ODOT DALE JOSEPHSON, CITIZEN 185 LARSON: Submits written testimony of Betty Cripes and Parn Edens. (EXHIBIT E)

187 LAUREL WHITEHURST, LEGISLATIVE ASST., SENATOR ROBERTS: This bill was brought to us by care givers. -Explains why this bill is needed for disabled people. -Discusses possible sign configurations. ~ EXHIBIT I;)

260 CHAIR DUKES: If this passes and we build a unisex restroom. -For existing restrooms you would anticipate a sign like the one you submitted?

280 WHITEHURST: Yes. There have not been any problems with this in California. ODOT is requiring ADA requirements right now. So this would align with that.

290 CHAIR DUKES: Would this apply to someone who might want to take an older child in with them?

296 WHITEHURST: We would like that to be considered so that it is very clear and we don't confuse young children at the door. 320 CHAIR DUKES: For existing rest areas it wouldn't simply be that a huSB and could go with his wife into the ladies; he could also take her with him. 329 WHITEHURST: If that's appropriate for them.

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331 CHAIR DUKES: So it can go both ways. 332 SEN. LIM: Does this apply to state highways only? 334 CHAIR DUKES: Adjacent to or within the right of way. 341 SEN. LIM: Is there a clear definition of a state highway?

343 WHITEHURST: I think it includes I5 and other state highways. -Discusses which highways would be included.

361 CHAIR DUKES: Suggests language to clarify the issue of entering restroom of same sex as disabled person. 370 SEN. YIH: So this would be a unisex restroom with a separate entrance. 372 CHAIR DUKES: Yes, and would be constructed in any new road side areas. Or at ODOT's discretion if they are remodeling an existing one. 356 SEN. LIM: Asks for clarification on the number of restrooms. 399 CHAIR DUKES: Explains existing roadside rest areas. The disabled one would be unisex. 415 LARSON: Submits written testimony in favor of SB 486 from Eugene Organ. (EXHIBIT G)

416 PATRICK ROGERS, OREGON PARALYZED VETERANS: It would be a single unit room so there would be three separate rooms. We are very strongly in favor of this bill.

TAPE 46, SIDE B

027 MARY BYRKIT, MENTAL HEALTH CONSUMER, OREGON ALLLIANCE FOR THE MENTALLY ILL, MENTAL HEALTH ASSOCIATION AND THE ADVOCACY COALITION OF SENIORS AND PERSON WITH DISABILITIES: Testifies in support of

SB 486. 025 HOWARD SHAPIRO, OREGON STROKE ASSOCIATION: Testifies in support of SB 486 . This would be another step forward for the handicapped. 040CHAIR DUKES: Your're still going to have to yell at the door. 050 BEVERLY BETTIS, OREGON NATIONAL MULTIPLE SCHLEROSIS SOCIETY: Testifies in support of SB 486 and submits and reviews written testimony. (EXHIBIT H) 075 DALE JOSEPHSON, CITIZEN: Testifies in support of SB 486. 087 CHAIR DUKES: If the new ones were built this would help you?

090 JOSEPHSON: Yes this would help, also if the doors were wider.

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092 SEN. YIH: Do you need a separate restroom?

099 JOSEPHSON: I don't care if it is separate or not but it needs to be bigger.

105 CHAIR DUKES: Rather than a bathroom built for non-disabled this would be built specifically for disabled person with wider areas and rails and all of the other specifics. 112 SEN. YIH: Aren't there disabled stalls in restrooms now?

115 JOSEPHSON: Explains personal experience with manuververing in mod)ified restroom stalls.

124 CHAIR DUKES: I think she is addressing the need for a separate restroom that meets the needs of the disabled.

128 SEN. KINTIGH: That would be covered by ar~chitectual codes.

131 CHAIR DUKES: I would encourage you to talk with ODOT. It's road fund money that's building those restrooms.

141 BILL HAYDEN, ODOT: Submits and reviews written testimony. (EXHIBIT I) -A number of the rest areas in Oregon are either owned or managed by the Parks Department so we want to make sure the language is broad enough to include those as well as those directly under ODOT.

165 CHAIR DUKES: Does State Parks own any rest areas adjacent to or right of way to a state highway? 167 HAYDEN: Yes I believe so. -Gives examples of which highways would fall under State Parks jurisdiction.

176 CHAIR DUKES: Are they owned by State Parks? My guess is they were built with road funds. If they were my second guess would be that ODOT wouldn't turn the ownership over. 185 HAYDEN: Suggests making sections 1 & 2 effective Jan 1 1994 to give us time to come up with signage and to notify public. 190 CHAIR DUKES: Asks how the sponsor of the bill feels about adding on the date? 192 WHITEHURST: No

problem with that. 196 SENATOR KINTIGH: Testifies in support of SB 486. The amendments do not in any way affect the purpose of the original bill. I have talked to Senator Roberts about doing this. Submits written

testimony. (EXHIBIT J) 263 SEN. YIH: Why does it take legislation for you to offer free coffee and free cookies? 276 SEN. KINTIGH: They aren't allowed to now.

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280 CINDY WEELDRYER, ASSISTANT TO LANE COUNTY COMMISSIONER MARIA FRASER: Explains current statute regarding coffee and non-alcoholic beverages. -Discusses Oregon administrative rules in regard to ODOT. -This is to help non-profit organizations in Oregon. -Explains SB 486-1 amendments. (EXHIBIT J) 318 SEN. YIH: Why would they want to do this? 320 WEELDRYER: Discusses reasons why non-profits would want this. 327 SEN. LIM: What if there are three or four groups offering cookies and coffee at one spot? 333 WEELDRYER: Submits written testimony. (EXHIBIT K) 389 SEN. BUNN: Is it the Washington State Commission for the Blind that has the vending machines? 393 SEN. KINTIGH: Discusses that Washington state has something like this already and have no problem with this. 402 SEN. BUNN: Who are the vending machines in Oregon operated by? 409 WEELDRYER: ODOT has a contract with the Oregon Commission for the Blind. 411 CHAIR DUKES: Aren't there people doing this already?

418 SEN. KINTIGH: Currently they can only offer coffee.

425 SEN. SMITH: Why does it require a law?

427 WEELDRYER: The current revised statute governing the free coffee program prohibits food. You can only offer coffee and non-alcoholic beverages under current statute.

TAPE 47, SIDE B

010 SEN. SMITH: I would be willing to vote a yes on allowing the Department to make this decision all by themselves.

012 WEELDRYER: The journey that I have traveled in order to get here today was through the maze of the Oregon Department of Transportation. They essentially said they are comfortable with the way things are currently. I don't think they oppose this either.

022 SEN. LIM: Couldn't they do this by rule making? 023 SEN. KINTIGH: The present statute prohibits this.

025 WEELDRYER: Explains the statute that applies to this issue and what it prohibits.

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039 SEN. KINTIGH: They would still have to get permission. It doesn't open the door.

040 CHAIR DUKES: So you want to open it to more than just holiday week-ends and cookies.

046 SEN. SMITH: Question about section 1 of SB 486, it says, "or when restroom facilities are constructed", what about restrooms being remodeled? 055 SEN. KINTIGH: Someone from ODOT said they were in the process of updating because of ADA requirements. 066 EDNA PINNED, LADIES AUXILARY TO THE VETERANS OF FOREIGN WARS: Testifies in support of SB 486. We have several people ask for cookies. We use the money we make for cancer aid and research and for the rehabilitation of our veterans and their families. I don't think we would do any harm to the vending machines. Strictly donations. 086 JOYCE ZERANGUE, AUXILARY IN CRESWELL: We support the amendments to SB 486. 093 SEN. LIM: What are the regulations for this to be open?

097 PINNED: Explains when they typically operate.

105 SEN. YIH: Would the Health Department allow you to do this? A lot of times you can't bring food anymore to events.

105 SEN. KINTIGH: They sign a waiver on that issue.

122 MARGARET GUTH, AUXILARY IN CRESWELL: Testifies in support of SB 486-1 amendments. 130 CHAIR DUKES: Adjourns meeting at 5:05 p.m.

Submitted by, Reviewed by Shannon Gossack Ruth Larson
Assistant Administrator

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EXHIBIT LOG:

A - SB 594-1 amendments, Staff, 1 pg. B - SB 594 conceptual language, staff, 1 pg. C - SB 713-1 amendments, Staff, 2 pas. D - SB 713 engrossed, Staff, 2 pas. E - SB 486, Bette Cripe and Pam Edens, Staff, 2 pas. F - SB 486, Laurel Whitehurst, 1 pg. G - SB 486, Eugene Organ, Staff, 3 pas. H - SB 486, Bev Bettis, 2 pas. I - SB 486, Bill Hayden, 1 pas. J - SB 486, Senator Kintigh, 4 pas. K - SB 486, Cindy Weeldreyer, 2 pas.

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