

SENATE COMMITTEE ON TRANSPORTATION

May 5, 1993 Hearing Room C 3:00 p.m. Tapes 70 - 71

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 536 SB 523

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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 70, SIDE A

003 CHAIR DUKES: Calls meeting to order 3:20 p.m.

WORK SESSION ON SB 536: Relating to congestion pricing pilot project.

008 LARSON: Submits testimony for the record from Keith Bartholomew. (EXHIBIT A) Testimony from Dell Isham. (EXHIBIT B) Testimony from

Military Order of the Purple Heart. (EXHIBIT C).

022 MIKE HOGLUND, METRO: Come back with a bill that would make everyone comfortable with the pilot program concept. -We eliminated open ended or vagueness references to the federal

register. -Submits and reviews SB 536-3 amendments. (EXHIBIT D) -We are looking for authority only in the metro boundary and only during peak hours the opportunity to use federal dollars. Congestion pricing is just an option.

054 LAVINIA WIHTOL, CITY OF PORTLAND: Peak hour pricing which is distinguished from a 24 toll road. -Reviews SB 536-3 amendments section review sheet. (EXHIBIT E) 118 LARSON: Legislative Counsel asked about the intent of taking out the federal register language in section 1.

126 WIHTOL: We just took it out to make it clear to the reader. If it's necessary to put it back in we could do that.

132 SEN. YIH: What is the real purpose of congestion pricing? Is

this to encourage people to not go to work at the same time? In the end you

still get the same amount of air pollution.

138 HOGLUND: The main purpose is to reduce congestion at a particular time. Air quality is one we will have to test also carbon monoxide and the

ozone levels.

150 WIHTOL: Congestion pricing could reduce trips during peak hours 30-40%. Most of those are discretionary trips.

158 SEN. YIH: Won't the emissions be increased during the off hours? That doesn't help with DEQ does it?

154 WIHTOL: DEQ does believe that congestion pricing would reduce air pollution.

160 HOGLUND: Probably only about a 1% reduction.

162 SEN.YIH: Will trip percentages be reduced?

165 HOGLUND: Congestion is an attempt to shift those discretionary trips to another time.

176 SEN. YIH: What are you going to measure?

176 HOGLUND: The engrossed SB 536, page 4 requiring grant requirements. (EXHIBIT)

191 CHAIR DUKES: Did you look at impacts on local streets?

197 WIHTOL: That language is in subsection C.

197 CHAIR DUKES: The intent isn't to get them off a particular street onto another street. It's to get them out of their car. -Metro will make decisions in regard to costs of parking lots during

regular working hours not the city of Portland?

217 WIHTOL: Yes, through the city of Portland on the recommendation of JPact with the approval of the Transportation Commission.

218 CHAIR DUKES: You've been talking to these people?

220 HOGLUND: Yes we have. JPACT has endorsed this concept. Understandable everyone is cautious but they are willing to go with the two phase

approach. Which includes the public process and if that fails we will have a no build into the application.

230 CHAIR DUKES: You've done a great job addressing our concerns. I don't have trouble supporting this bill.

247 SEN. LIM: If we approve this who has final authority to put congestion pricing into place?

250 WIHTOL: Metro and the regional governments have final authority with approval of local jurisdictions including those impacting state

highways. Also the Oregon Transportation Commission would have to approve.

260 SEN. LIM: How many will there be?

261 HOGLUND: That is something we would have to determine based on the public process. It could be an area wide approach or a specific

corridor. It's most likely to be a corridor.

283 CHAIR DUKES: When they use the term toll I believe it means something different than what it meant the last time we heard this bill. Toll

roads and toll bridges are prohibited in Oregon, not because there is anything in the statute that says you can't, but because there is no authority to build. I don't think there is anything in this bill that would give them the authority to do a traditional toll bridge or road.

They could sell you a sticker.

320 HOGLUND: That is correct. -Discussion regarding the possibility of using the Sunset highway

between Highway 217 into downtown Portland. -There would be a few actual toll booths for people from out of town or for individuals who don't have a sticker.

341 CHAIR DUKES: How does it work that you the motorists are then marked for a toll?

342 WIHTOL: We don't know exactly what this would be yet. -Examples of the subway in Washington D.C. where you have a ticket you

buy beforehand. -We are talking about one project under the pilot project. -You could design a project that had congestion pricing on only one

lane. We don't know what the final project will look like. -Similar to an HOV lane.

377 SEN. LIM: Just one project?

380 WIHTOL: One specific project that could include several locations.

386 CHAIR DUKES: Majority of committee doesn't want to turn you loose with toll roads or toll bridges. How do we get there? I thought we were

there, but that's not what I'm hearing now. The idea of you sending bills to people all over the state of Oregon every month, or building a single toll booth as part of a pilot project is not what I thought we were talking about.

405 WIHTOL: We're not talking about toll booths but electronic technology that would not delay traffic.

410 CHAIR DUKES: We want to make sure you don't do toll roads and bridges. 416 SEN. SMITH: Senator Dukes, your definition of toll roads is something that is tolled all the time, right?

421 CHAIR DUKES: No not really. What you do is move traffic off that road so there are definite impacts to that even during a pilot project. If there is no way to use the road except to pay the toll you have impacted the

low income people adversely.

447 SEN. SMITH: My understanding of congestion pricing is that you are causing the use of the road to cost more to use particular corridor

during a particular time. Maybe you'll wait an hour or take a different method of transportation.

459 CHAIR DUKES: Part of that is my definition of a toll road. You can build into that some things that don't impact everyone that is on that road.

There is no way to not impact low income people unless you give them some other alternatives. On the east coast they plan out and have alternate roads. We are past that point. We already have the streets and we are trying to retrofit.

479 SEN. SMITH: It seems like the language on page 2, SB 536-2 amendments should keep Metro along a path that we are sending them. I feel

comfortable with the amendments. I think we're all aiming for the same place.

495 CHAIR DUKES: I'm not sure we're all heading for the same place, I did earlier.

499 WIHTOL: Perhaps if we understood your concern a little bit better we could address it. I'm not completely clear.

TAPE 71, SIDE A

045 CHAIR DUKES: In general, the public has already paid to build those structures and now you're asking them to pay again. With congestion

pricing you're only asking them to pay during peak periods but there are

some people that don't have other options.

054 WIHTOL: Would you be comfortable with a pilot project that had one lane as a congestion pricing lane similar to HOV lanes?

061 CHAIR DUKE: Yes, if they pay extra to use the HOV lane then that still accommodates the low income individual.

067 WIHTOL: As long as there is an option for people, and they aren't forced to go through the lane you would be in support?

071 CHAIR DUKES: Yes, and lets see what you get out of that. You might get great acceptance in Portland for it and you may find people love it

because of the quality of life is better. -I don't think sending bills at the end of the month is a good idea.

078 SEN. LIM: I like the concept but without knowing where and how many it's like a blank check and I don't want to get stung. I don't have a clear

concept.

083 CHAIR DUKES: They would have to come before each session and tell us what they are doing. 087 SEN. SMITH: Metro can't do anything on it's own. My picture is you are going to be sitting down with JPact and set down all the details with

all local jurisdictions involved. Then you must go to the Transportation Commission if it involves state highway then finally to the legislature.

099 HOGLUND: Yes.

MOTION: Senator T. Smith moves SB 536-3 amendments to SB 536.

120 LARSON: What about the amendment that Legislative Counsel suggested putting back into the bill?

123 SEN. SMITH: They took that out specifically because this committee said they didn't like it.

VOTE: Motion adopted.

MOTION: Senator T. Smith moves SB 536, as amended, to the floor with a "DO PASS" recommendation.

137 SEN. KINTIGH: I'll vote to send it to floor, but I'm not sure I'll vote for it on the floor.

140 SEN. BUNN: I would like the record to show that I do intend to vote to send it to floor, but that is not indicating support for the bill.

144 CHAIR DUKES: I think you only get to vote yes or no.

147 SEN. BUNN: I would like it indicated on the staff summary.

159 SEN. LIM: I want to make sure that in 1995 we have the right to refuse if something goes haywire. I don't think evaluation is good

enough, we

need the right to refuse or alter.

167 SEN. SMITH: On the last page of SB 536-3 amendments is the language that requires the evaluation. We would have the power to create a bill to

remove that language if we so desired.

173 CHAIR DUKES: If I Chair the interim committee they will be back before us.

179 SEN. LIM: It just says provides.

181 CHAIR DUKES: They would provide the report to the Senate President and Speaker, then they would send a copy to the committee so we know what it is going on. I will bring them back during the interim to see what is

happening.

188 SEN. LIM: Providing information isn't good enough. There should be a clear provision to get approval.

193 SEN. SMITH: I think that would mess up the federal requirements and would prevent them from coming back that is why they need this right

now.

200 CHAIR DUKES: They need to know they have the authority to build or the federal government figures they are probably wasting their money.

202 SEN. LIM: We approve this and then it's gone. That is my concern.

204 SEN. SMITH: We could pull it back next session and create our own bill.

208 SEN. LIM: Asks Senator Bunn what his interpretation of the bill is.

208 SEN. BUNN: If 16 members on the Senate and 31 in the House, and the Governor agree we could change it. We are giving the green light. If

you're not comfortable with that, like anything else, once we pass it, it is gone.

218 LARSON: Legislative Counsel asked for clarification as to when the pilot project will end. Part of the record the time this will end.

221 SEN. KINTIGH: Section 5 says for the duration of the federal congestion pricing pilot program.

223 CHAIR DUKES: It seems that five years would work. They are looking at 18 months for planning and then they would need some time to

find out

whether the project actually worked or not. That would bring to sometime in 1998. They would need to come into the 1997 legislature.

240 SEN. SMITH: Does Legislative Counsel want a sunset?

241 LARSON: SB 536-2 had a subsection 1 in section 1, regarding the federal pilot congestion pricing project. That reference helped, but it was

taken out by the SB 536-3 amendments.

249 CHAIR DUKES: What about a sunset date of December 31, 1998.

252 SEN. SMITH: It takes 18 months to plan before they even build it.

256 CHAIR DUKES: This would give them 3 years to try it and year in a half to build it.

MOTION: Senator T. Smith moves to conceptually amend SB 536 in section 5 by adding a sunset date of December 31, 1998.

268 SEN. SMITH: Section 5 says the authority to operate the pilot project is granted for the duration of the federal congestion pricing pilot

program. Could we say, but no later than December 31, 1998?

274 SEN. KINTIGH: Suggests, "but not longer than five."

276 CHAIR DUKES: We'll run that by Legislative Counsel, but the intent is that the pilot project not go past December 31, 1998 without additional legislative authority.

280 SEN. YIH: Do they come back next session?

282 CHAIR DUKES: We are going to assume that they are good people and come back and talk to us. We will get an evaluation every two years from them as to how this project is going. There are no requirements that they

regularly come and talk to us.

294 SEN. YIH: They will come in each session?

297 CHAIR DUKES: It says, "evaluation", which could mean turning in a report. -I believe that if we put them on an agenda they will be here.

302 SEN. SMITH: I can't imagine a Senate President receiving a report and not recommending it to the appropriate committee.

331 SEN. LIM: Where is Senator Webber?

333 CHAIR DUKES: She is double booked right now.

VOTE: Motion adopted.

MOTION: Senator T. Smith moves SB 536, as amended, to the floor with a "DO PASS" recommendation.

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

377 SEN. YIH: What is the fiscal on this?

378 CHAIR DUKES: If they don't get federal money they don't get to spend anything.

380 SEN. SMITH: Clarifies the federal dollars available.

WORK SESSION ON SB 523:

373 CHAIR DUKES: SB 108 had generic license plate language and there have been some others also. What we have before us today are SB 523-1

amendments. (EXHIBIT F) which creates a generic plate. This committee has been on record for a long time against doing special license plates. I am proposing a generic plate that maintains the basics with the space between the bottom bolts for a group who applies to DMV to place a sticker.

442 PLANK: We would determine by rule what the qualification are and we haven't come up with that number yet.

450 CHAIR DUKES: Passes around example of generic plate with sticker. -Do the two stickers or tags get moved up to the top in the amendments?

454 JUDY CLYBURN, DMV: The law doesn't specifically address where the stickers go on the plate. 465 CHAIR DUKES: Today a large number of the license plate brackets are illegal. They either cover up the tags or from the top they cover up the word Oregon. Both of those are illegal. I would like to move the tags up to the top leaving the bottom area available for a sticker and giving

the ability for groups to come in and get their piece.

493 PLANK: It isn't required in statute where the stickers go on the plate just that they be on the plate. We were intending to talk to law

enforcement and find out which worked better for them.

TAPE 70, SIDE B

033 CLYBURN: We also need to go back out to the dealers. Explain the changes and we need to go explain what the license plate bracket should do.

040 SEN. KINTIGH: Do all states have the same size of plate?

041 CLYBURN: The plate is generally the size made by all people who make the plate. The same holds true for motorcycle plates.

047 PLANK: The stickers are all over the place and so the brackets cover things up.

050 CHAIR DUKES: Problem with the newest plate when it was created.

051 SEN. YIH: This sticker isn't very visible. Could we raise the print?

057 CHAIR DUKES: There isn't anything in the bill that says it will be black and white. They would come up with something that stands out and is very visible.

064 PLANK: I would like some legislative intent. Another possibility is that we could have different colors. Is it one color or leave the possibility open?

070 CHAIR DUKES: Down at the bottom I don't care. I did object to colored plates for colleges so they could do a fund raiser. -Asks the committee if they object to letting stickers be different colors.

080 SEN. YIH: So the color applies to the little square only? The rest remains the same.

085 CHAIR DUKES: Yes that is correct. Nothing in the bill prohibits them from doing that we're just giving them some legislative intent.

090 CLYBURN: The amendments delete the provisions in the original bill pertaining to purple hearts. -This would allow us to reduce the number of plates issued today. -Consistency in fees. -Requiring DMV to issue for passenger plated vehicles; two plates. -Requiring us to design plates for government owned and operated or "E" plates. -Allows DMV to issue a special sticker for groups for fee of \$25.00 in addition to their regular registration fee money would go to the litter fund. -Specifically does not subject those registration types that are already there, like the ex-prisoner of war and national guard to those increased fees. -Submits written testimony containing a plate chart. (EXHIBIT G) -Elected official plates would go specifically on a vehicle designated to that vehicle.

134 CHAIR DUKES: Do you like being able to move your legislative plates from one car to another, after notifying DMV or whether they like the idea of making them like any other license plate and have it assigned to a vehicle.

141 LARSON: If you want a movable plate you will need to decide if it is by DMV rule or in statute.

148 CHAIR DUKE: If we choose to leave it the way it is, is there language in here we just don't adopt?

150 CLYBURN: Yes there is.

153 LARSON: In section 16 of SB 523-1 amendments there is language talking about elected official plates. It has them affixed to one vehicle. If

you let Legislative Counsel know your intent.

165 CHAIR DUKES: We could just reinstate the language.

166 CLYBURN: Off road vehicles would be combined and there would be one instead of several.

176 CHAIR DUKES: Asks committee if they want the official plates to be tied to one vehicle or not.

180 SEN. BUNN: Suggests leaving it the way it is which is being able to move them after notification.

181 SEN. YIH: I would like to combine the registration. Now I pay twice. I pay \$80.00 every two years.

191 CHAIR DUKES: That isn't the issue.

194 CLYBURN: The fee would be the same. You're referring to the registration process. Usually people are already registered as a regular vehicle and then they get elected to office. -Explains the law in regard to the legislative plate.

219 CHAIR DUKES: I assume we are going to reinstate language on page 21, subsection c and d of section 16, SB 523-1 amendments.

230 TED HUGHES, 3M COMPANY: The Motor Vehicle Division does not agree that this issue is important. We do not make license plates, but we do design and provide the material that goes into them. So we know a lot about

license plates. -Law enforcement preference is to have a standard license plate. One

plate that is readily identifiable, and if you precede with this bill

that will happen because you're keeping the same basic plate and

allowing them their own slogan on the bottom. In order to make it a

perfect bill I would recommend that you say, "after January 1, 1995 all plates will be the uniform plate period". I can't see any harm in that, but DMV thinks that is just terrible and that it would cost the people 4 million dollars and causing the branch offices great pain with people

who don't want to give up their orange plates. 286 CHAIR DUKES: We heard this a few years ago and now it's out in the open. -Is there a section that says you're going to write the rules for

generic plate?

307 CLYBURN: In section 2 of SB 523-1 amendments talks about rules for this new groups including what happens if the sticker gets lost and that the money goes to the litter fund.

315 SEN. SMITH: Any group that wants to create their own little slogan can come to you and submit their idea?

320 PLANK: We committed ourselves to the House committee that we would bring the rules back to the committee so that the legislature can take a look at them. We want to be careful and would be glad to come back in front

of you folks before we adopt the rules.

342 SEN. SMITH: Asks about slogans on license plates and the issue of discrimination.

352 PLANK: We thought we would look at something similar to custom plates. We don't want dirty words on the license plate. You can put dirty words on a bumper sticker, but when the state is involved there is a concern

about having those kinds of things on license plates. We will start with the rules we have for custom plates and I would love input from an

interim committee on what kinds of things we might want to allow or not allow.

374 CHAIR DUKES: I would like to tighten this up so it clearly says we are talking about words, numbers, or a combination there of, at the bottom

of the plate. I think we can do that with a conceptual amendment and have Legislative Counsel specify that. Senator Dwyer's one request on this bill was that we not allow political language.

405 SEN. BUNN: My desire is that we maintain the status quo with elected official plates. Not remove specific language but wherever it needs to

be changed in the bill that we do so.

415 LARSON: Is there a trend in other states to do this?

420 CLYBURN: Explains what others states do this type of sticker.

427 CHAIR DUKES: Did I understand that somehow National Guard will end up with bigger initials?

430 CLYBURN: We would probably get away from the NG, they would get an ABC with a sticker and wouldn't be charged the \$25.00 dollars.

434 CHAIR DUKES: All existing plates are grand fathered in here.

MOTION: Senator T. Smith moves to amend SB 523-1 amendments on page

21, lines 6, 7, 8 and 9 that language would be reinstated. In section 2, conceptual amendment to include more specific language stating it should be, "words and letters or a combination thereof located at

bottom of license plate and to exclude political statements". Also,

authorizing Legislative Counsel the power to change this in other places to make the committee intent clear.

VOTE: Motion adopted. MOTION: Senator T. Smith moves SB 523-1, as amended, to SB 523.

VOTE: Motion adopted.

MOTION: Senator T. Smith moves SB 523, as amended, to the floor with a "DO PASS" recommendation.

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

485 CHAIR DUKES: My suspension is that we will be in conference committee over this. -Adjourns meeting at 4:45 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - Testimony from Keith Bartholomew, Staff, 1 pg. B - Testimony of Dell Isham, Staff, 3 pgs. C - Testimony of Purple Heart Order, staff, 1 pg. D - SB 536-3 amendments, Mike Hoglund, 4 pgs. E - SB 536, Lavinia Wihtol, 9 pgs. F - SB 523-1, staff, 36 pgs. G - Testimony SB 523, Judy Clyburn, 3 pgs.