

SENATE COMMITTEE ON TRANSPORTATION

June 9, 1993 Hearing Room C 3:00 p.m. Tapes 95 - 96

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: HB 2900 HB 3382 HB 2186

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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 95, SIDE A

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

009 LARSON: Discusses Committee field trip scheduled for next week.

014 SEN. WEBBER: Is it necessary to go to Portland to do this?

018 CHAIR DUKES: That is where they want to do the photo radar.

023 REP. MARKHAM: Last session that was my bill and they did a demonstration out on State street.

PUBLIC HEARING ON HB 2900: Relating to requirements for fenders or mudguards.

REPRESENTATIVE BILL MARKHAM REPRESENTATIVE GAIL SHIBLEY DOUG GYLLENSKOG, ODOT MIKE MEREDITH, OREGON TRUCKING ASSOCIATION ROBERT WILHELM, WILHELM TRUCKING MEL STRAND, CONSOLIDATED FREIGHTWAY DAVID LOEMER, GRESHAM TRANSFER BOB MCKELLAR, OFPTA

030 REPRESENTATIVE BILL MARKHAM: Testifies in support of HB 2900. -Discusses shift in enforcement of mudflaps.

047 REPRESENTATIVE GAIL SHIBLEY: Testifies in support of HB 2900. -Submits and reviews HB 2900-A2 amendments. (EXHIBIT A) -Discusses engine compression braking. -I represent urban areas that are familiar with this problem. The

problem is the noise, not that they are using the brakes. The issue is

to make unmuffled engine braking unlawful anywhere in the state.
-Discusses the problems with having different ordinances regarding
compression engine braking within one city. -This would make it a
uniform playing field and includes a safety

exemption. OTA recognizes this problem and supports this issue.
-Professional drivers have told me that there is absolutely no reason to
use a jake brake in an urban area.

154 CHAIR DUKES: Does this deal with interstate highways in urban
areas?

156 SHIBLEY: The proposed amendments being drafted by Legislative
Counsel extends that prohibition statewide which was at the consensus
of the

groups involved with this bill. -Discusses traffic safety and neighB
orhood livability issues. -Explains the informal report to be made by
ODOT to the next legislative session on this issue.

180 SEN. KINTIGH: Does this mean even coming down a logging road?

183 REP. SHIBLEY: An unmuffled engine brake is against the law. You
can use them, just put a muffler on them.

187 CHAIR DUKES: This makes it a traffic infraction that can be cited
for.

189 SEN. YIH: Is it expensive to muffle the engine brake?

192 SHIBLEY: OTA could answer that. My understanding of the process is
that it uses the existing exhaust system. If you have an operating
muffler on your exhaust system then you also have a properly operating
muffler for your brake.

200 DOUG GYLLENSKOG, ODOT: Submits and reviews written testimony.
(EXHIBIT B)

220 CHAIR DUKES: Why not have the mudflaps behind the tractor?

223 GYLLENSKOG: Explains configuration of a tractor and semi-trailer
hooked together.

233 CHAIR DUKES: If the trailer were off you would require proper
mudflaps?

240 GYLLENSKOG: Discusses what a "bobcat" is in trucking terms.
-Continues with review of written testimony.

269 SEN. YIH: Asks about type II fenders.

272 GYLLENSKOG: Clarifies from written testimony. -Discusses
differences between the type I fender and a mudflap. -Discusses
exemptions in the bill.

315 SEN. SMITH: Asks about the wheels on the tractor. Are mudflaps
required under this?

322 GYLLENSKOG: The person that testified on the House side regarding that issue is here today and can answer that.

345 MIKE MEREDITH, OTA: Testifies in support of HB 2900.

368 SEN. YIH: Asks about the cost to connect a muffler to the jake brake.

372 MEREDITH: We believe all trucks should have mufflers. The cost is between \$80.00 and \$100.00 dollars and will last a long time. This is

not a financial burden. There are some that don't have mufflers on at all.

TAPE 96, SIDE A

007 ROBERT WILHELM, WILHELM TRUCKING: Explains how the trucks come from the manufacturers and that a muffled engine is a standard component.

016 SEN. SMITH: Is this a deliberate unmuffling?

021 WILHELM: Yes. Jake brakes are engine brakes. The muffler has just been unattached.

030 MEL STRAND, CONSOLIDATED FREIGHTWAY: Testifies in support of HB 2900.

-Discusses specifications of Freightway fleets.

051 CHAIR DUKES: Did you really have to stop at the border to get into compliance?

054 STRAND: Yes we did. -Discusses splash and spray devices. -Discusses work he has done to work out splash and spray.

085 SEN. SMITH: Expresses disB relief that splash and spray devices work effectively.

086 STRAND: Explains what splash and spray devices work according to his research and study of the issue.

101 WILHELM: Discusses different types of heavy hauling he does. -Discusses expense of retro-fitting.

137 DAVID LOEMER, GRESHAM TRANSFER: Testifies in support of HB 2900. -Discusses different configurations of loads.

158 CHAIR DUKES: Have you had to run with the extra mudflaps?

162 LOEMER: Originally it wasn't required on each combination. -Some equipment does have mudflaps but no fenders on anything that already had them from the factory.

183 BOB MCKELLAR, OFPTA: Supports bill and proposed amendments.

196 CHAIR DUKES: We will wait until we get the revised amendments back and then move the bill out.

200 SHIBLEY: The Chair of the General Government Subcommittee, Rep. Norris, is in agreement with this issue.

PUBLIC HEARING ON HB 3382: Relating to Hwy. 101.

JOHN RIST, ODOT STEVE JOHNSTON, ODOT JIM TORREY, OUTDOOR ADVERTISING ASSOCIATION DELL ISHAM, AAA

227 LARSON: Explains intent of HB 3382.

243 RIST: Reads written testimony. (EXHIBIT C)

315 SEN. KINTIGH: Just exactly what do you use those funds for? Anything special, or are you going to tell us later?

316 RIST: The intent is to use those dollars, once we have completed the corridor plan along the coast. Senator Dukes is very familiar with this. We are going through an extensive planning process of corridor

management plan for highway 101. It's my understanding that the plan will be completed by approximately March, 1994. After that there will be an ability to start looking at how to spend these federal dollars on the corridor. Specifically, in conjunction with local governments and local communities up and down the coast.

329 SEN. KINTIGH: Would it be on highway improvement or infra-structure improvements?

330 RIST: The plan will give us some indication of what kinds of projects would come forward out of that master plan.

332 CHAIR DUKES: The federal money you have now for highway 101 is just sitting and waiting for completion of the plan? 335 RIST: Right now, even if we had the corridor study done, we're out of compliance with federal law and that's what essentially HB 3382 would

do. It would enable the department to bring us into compliance with federal law in order to spend the money. Even though we've been awarded Oregon's share of approximately 4 million dollars, our attorney general and others have advised us that we need to bring state statutes in compliance with federal until we can start spending the money.

344 CHAIR DUKES: What are we doing with the money?

346 RIST: To my knowledge we're not spending it because then we would be out of compliance with federal law and subject to some sanctions by the fed hwy administration.

348 CHAIR DUKES: Is the interest accruing to the road highway fund or to the 101 fund?

350 RIST: I don't know.

352 CHAIR DUKES: It's just been so many years that you've been ignoring hwy 101 that when we finally get some money I would like it to go into 101 , instead of going to fill potholes someplace else.

356 SEN. SMITH: When will the plan that you're working on be completed?

358 RIST: I think about March 1994.

361 SEN. SMITH: And then what?

362 RIST: Then the state will have a comprehensive master corridor plan for hwy 101. Hopefully, in that plan it will indicate what kinds of project, improvements, direction and ultimate long range plan there will be.

368 SEN. SMITH: When can you start improving?

369 RIST: There are already projects in the state six year tip. Obviously the Alsea Bay bridge was a major improvement to 101. There's another

project in the six year tip for historic preservation of the Depoe Bay bridge and there are ongoing projects to 101 in our current six year program.

378 SEN. SMITH: I was thinking in terms of spending this new money.

378 RIST: Those dollars, assuming this bill becomes law and we have the authority to do that, then we will probably wait and see what that

master plan has in store for 101 in terms of long range plans.

383 CHAIR DUKES: You don't have any projected date as to when you might begin implementing the plan?

384 RIST: Senator Dukes, I don't have the direct knowledge of that. June Carlson, who works on that project could respond to that question. I

don't have that knowledge right now.

388 CHAIR DUKES: Some of us are anxious, we've been waiting a long time. I got the bill passed last session to do the study.

393 RIST: Attached to my testimony is a chart that shows you the funds that have flowed into the state for 101; the \$4 million roughly.

396 CHAIR DUKES: What is the state match on that?

397 RIST: 80/20.

399 CHAIR DUKES: Do we have to put up 20% when we get the 4 million?

401 RIST: If it's similar to other federal aid projects we're reimbursed at the time we make the expenditure.

405 CHAIR DUKES: So we don't have the \$4 million yet?

406 RIST: We've been awarded the money. They reimburse you on a quarterly basis as you move forward with a particular project.

412 CHAIR DUKES: You probably don't have to go find out about the interest then. How long will they hold on to this before we have to start

spending it or lose it?

415 RIST: I think under federal law we have approximately 4 years to spend the funds.

420 CHAIR DUKES: Might they at some point say, this is the third year and you're asking for another 4 million dollars and you haven't spent the

last 8 million, so maybe we're not going to give it to you?

425 RIST: That is a reality that we face. When we received the first award of 4 million dollars I was told by FHA that they had 28 applications

from around the nation representing over 45 million dollars worth of requests. Oregon received, along with WA. and CA. 40% of that 10 million dollars. So obviously there is a strong interest in scenic byways

throughout the nation. There are many states that want these dollars and we've been very successful in bringing them into this state. We are going to have to demonstrate, at some point, that we have spent those dollars and that we have lived up to the obligations we made and commitments.

444 CHAIR DUKES: I'm a little nervous because the corridor study is now getting into things that are nearby. In some cases I think that's good, I'm just concerned that we not go to far afield. I recently heard that

the Astoria bypass referred to as part of the corridor study. Now, considering that the bypass is hopefully going to be built, before you

figure out how to spend the first dollar on the corridor study projects; that was a surprise to me to hear it referred to that way. Some of those things make sense but I'm a little nervous that we go to far afield.

That's why I'm anxious to see a plan. We could put it off for ever if we keep adding new ideas to it.

474 RIST: Finishes reading his written testimony. page 2

TAPE 95, SIDE B

048 CHAIR DUKES: If I am Mary's Pie Shop in Manzanita, right on hwy.

101 and I've got a billboard out there that says my name and my lease gets

cancelled and I move a little ways down the road and I want to take the billboard with me would I be able to do that with this change?

053 RIST: If this became law and that was a billboard that was off premise, meaning not on private property, and you tried to move that billboard

along U.S.101...(inaudible)

056 CHAIR DUKES: It would be not on private property it would be not on my own property I believe is off-premise.

059 STEVE JOHNSTON, ODOT: That would be correct if it were on her own property and she wanted to move it one place to another where her

business was she could. If she was leasing, lets say, a place half mile away from her business to point to her business on an outdoor advertising sign, she could not move that sign once the sign came down, if she lost her lease.

072 SEN. YIH: Funding on the last page under the column that says interim and regular. last page of testimony

076 RIST: Clarifies written testimony.

086 SEN. YIH: Which column in your testimony refers to Oregon?

089 RIST: This is a national program so it isn't necessarily earmarked for Oregon only. It's an interim program to allow states to apply for

dollars until the regular program phases in principally in 1995, you see there at 14 million dollars and then continues for three years at the 14 million. It's a national pot of 80 million, but in the first 3 years is where they have the interim program in for those states that are already doing things on scenic highways or scenic byways that could meet very specific criteria. One of the criteria was to have a multi-state corridor. Ours is a tri-state corridor. So we met that criteria and we wrote that into the federal law.

100 CHAIR DUKES: Oregon is included in that 4 million at the end under tri-state award.

101 RIST: If you look in 1992 there was essentially 11 million available nationwide. Really 10 million, 1 million was for FHWA to start up the

program. We received 4 million of the 10 million available in the interim program. We meaning Washington, Oregon and California.

105 CHAIR DUKES: Have we designated how much of that goes to each state?

106 RIST: It is based on road mileage and Oregon is 48% of the 800 mile corridor.

108 SEN.YIH: So we were entitled to about 2 million in 1993?

109 RIST: Correct.

110 SEN. YIH: How much will we get for 1993?

111 RIST: We have applied, not yet received notification of whether or application was accepted, we meaning the three states again, applied for another 4 million under the interim program.

112 SEN.YIH: Why didn't we ask for 13 million? Does that mean it's 13 million available, 10 under interim, 3 under regular? So we could ask

for 13 million?

115 RIST: We asked for \$4 million because we felt among the three states that's what the work plan indicated that we could use.

116 SEN.YIH: So the \$4 million is for 3 states not just Oregon.

142 RIST: The first is the national scenic byway program created in ISTEA the second is a special demonstration money that our congressional

delegation wrote into the federal appropriations bill, for that given year, for this tri-state effort.

147 SEN. YIH: Is that a duplication?

147 RIST: No. It's two different sources of money.

148 SEN.YIH: Are they both gas tax money?

150 RIST: The scenic byway dollars are federal gas tax receipts. It's two different allocations of money. One comes out of the grant program that FHWA awards to those people that submit a grant, the other is a special earmarked project that our congressional delegation wrote into the

federal appropriations bill for transportation. The left column is the grant program that FHWA awards. The U.S. Congressional appropriations is the source of money earmarked by the delegation.

175 CHAIR DUKES: When Sen. Yih asked about applying for 13 million you said we applied for 4 based on a plan. What plan?

179 RIST: We submitted an application and that has to have certain work scope in it. In sitting down with our neighbors to the south and north

we determined that since we just received 40% of the federal funds we

did not want to apply for all. We know there were numerous applications the year before and we were granted 40%. Obviously when you submit an application for a source of funds you have to put in there what you intend to use the dollars for and that's what I meant to imply.

189 CHAIR DUKES: How did you decide what to plan to use the money for?

190 RIST: Numerous meetings with WDOT and Cal Trans where we sat down and tried to identify what common areas that the three states could apply

for at this point in time. We're all at three different phases of what needs to be done on 101. We tried to reach a common work plan and application that could go forward and that's what it represented.

196 CHAIR DUKES: What did you decide you were going to do with the money on 101 in Oregon?

198 RIST: I could...I'm trying to remember what those application specifically called for. Part is public education effort, I remember.

Part of it is to help in terms of the corridor study.

202 CHAIR DUKES: Public education effort? Is this the idea when they come across the bridge we're going to hand them a brochure that tells them

they ought to slow down.

205 RIST: I'm not familiar with that.

208 CHAIR DUKES: I'd be real interested in seeing what those..(inaudible)..seeing how we're doing a plan and you have lots of

interested citizens along 101 and you have little working groups, that include all kinds of different people, it sounds like you didn't consult with any of those folks. I'm curious as to how you arrived at the projects that you used to determine how much Oregon was going to need so we could participate with the tri-state. It sounds like you sat down and decided this is how much we can hope to get and we've all got projects to actually justify that and didn't have any specific projects in mind but that's not what you're saying.

219 RIST: I'd be happy to share that and get those copies over to your office.

210 JOHNSTON: Explains current law and what would change if HB 3382

were to become law. -Submits and reviews written testimony. (EXHIBIT D)

257 LARSON: Why does the bill refer only to signs and not displays or devices?

257 JOHNSTON: The rules prohibiting this will deal with all of those issues.

267 JIM TORREY, OUTDOOR ADVERTISING ASSOC.: Submits and reviews written testimony in support of HB 3382. (EXHIBIT E)

347 SEN. SMITH: I will communicate what you said to the Chair.

357 SEN. YIH: What kind of idea do you have for communication?

357 TORREY: Discusses the broadcast radio advertisement issue.

TAPE 96, SIDE B

008 SEN. YIH: What would the radio tell them?

012 TORREY: Explains possible program.

034 DELL ISHAM, AAA: Submits and reviews written testimony in support of HB 3382. (EXHIBIT F)

WORK SESSION ON HB 3382: Relating to Hwy. 101 and billboards.

MOTION: Senator T. Smith moves HB 3382 to the floor with a "DO PASS" recommendation. VOTE: In a roll call vote the motion carries with Senators Kintigh,

Lim, T. Smith, Webber and Yih voting AYE and Senators Dukes and J.

Bunn excused.

PUBLIC HEARING ON HB 2186: Relating to aircraft registration stickers.

052 CONNIE SPARKS, AERONAUTICS: Submits and reviews written testimony in support of HB 2186. (EXHIBIT G)

MOTION: Senator T. Smith moves HB 2186 to the floor with a "DO PASS" recommendation.

VOTE: In a roll call vote the motion carries with Senators Lim, T.

Smith, Webber and Yih voting AYE and Senators Dukes J. Bunn and

Kintigh excused.

076 VICE-CHAIR SMITH: Adjourns meeting at 5:00 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - HB 2900-A2 amendments, Rep. Shibley, 4 pgs. B - HB 2900 testimony, Doug Gyllenskog, 2 pgs. C - HB 3382, John Rist, 7 pgs. D - HB 3382, Steve Johnston, 2 pgs. E - HB 3382, Jim Torrey, 3 pgs. F - HB 3382, Dell Isham, 1 pg. G - HB 2186, Connie Sparks, 3 pgs. H - HB 2900 testimony of Don Hall, staff, 1 pg.