

SENATE COMMITTEE ON TRANSPORTATION

June 14, 1993 Hearing Room C 3:00 p.m. Tapes 97 - 98

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 2198 HB 2199 HB 2200 HB 2205 HB 2404

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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 97, SIDE A

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

PUBLIC HEARING ON HB 2404: Relating to refund from PUC on commercial vehicle registration if going out of business.

REPRESENTATIVE BILL MARKHAM JOE FRENCH, OREGON FOREST PRODUCTS
TRANSPORTATION ASSOCIATION BOB RUSSELL, PUC

012 REPRESENTATIVE MARKHAM: Testifies in support of HB 2404 and why the bill is needed. -Discusses issue of refunds.

041 JOE FRENCH, OREGON FOREST PRODUCTS TRANSPORTATION ASSOC.:
Submits and reviews written testimony. (EXHIBIT A) 055 REP. MARKHAM:
Discusses the federal timber problem.

068 BOB RUSSELL, PUC: Submits and reviews written testimony. (EXHIBIT B) -Discusses intra-state trucking. -Explains issue of refunding.

072 CHAIR DUKES: Asks if companies going out of business would increase.

087 RUSSELL: Explains problem with determining if a company is truly going out of business.

095 REP. MARKHAM: I don't want to block a person by trying to make a living. The way this was drafted seems prohibitive.

102 SEN. SMITH: Asks about a person reducing fleet to one truck. What

would happen?

110 RUSSELL: He would need to reimburse for the refund on all the trucks.

116 REP. MARKHAM: Suggests they pay a refund on the number of trucks that they come back with.

117 RUSSELL: It is broader but not significantly broader than what we could handle if it were changed.

120 SEN. KINTIGH: What is the cost to write a refund check?

127 RUSSELL: About \$20.00 dollars.

129 SEN. KINTIGH: If this was a refund on the trucks they reactivated I would support that.

131 SEN. BUNN: I think we should leave it the way it is, it isn't unreasonable.

140 CHAIR DUKES: The language is permissive and says the commission may prorate the amount of refund.

WORK SESSION ON HB 2404:

MOTION: Senator J. Bunn moves HB 2404 to the floor with a "DO PASS" recommendation.

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

155 SEN. KINTIGH: Vote explanation: I don't like that fact that people will have to reimburse for their whole fleet refund if they want to bring one truck back into operation.

157 CHAIR DUKES: The language is permissive and the Legislative intent is in the record.

PUBLIC HEARING ON HB 2198: Modifies formula relating to railroad crossings.

CRAIG REILEY, PUC EVERETT CUTTER, OREGON RAILROAD ASSOCIATION

161 LARSON: Explain intent of HB 2198.

165 CRAIG REILEY, PUC: Submits and reviews written testimony in support of HB 2198. (EXHIBIT C)

187 SEN. SMITH: Do you think the federal government could say we're not going to pay our percentage because you have 25% in statute?

190 REILEY: They have never done that in the past. I feel confident that wouldn't happen.

202 EVERETT CUTTER, OREGON RAILROAD ASSOCIATION: Testifies in support of HB 2198. -History of railroad grade crossings.

210 SEN. LIM: How much is the 25%?

218 REILEY: That is the match we would make on a typical safety improvement project. Usually a project is about \$100,000.00 dollars.

WORK SESSION ON HB 2198:

MOTION: Senator T. Smith moves HB 2198 to the floor with a "DO PASS" recommendation.

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

PUBLIC HEARING ON HB 2199: Modifies experience for railway inspectors.

HOWARD FEGELS, PUC EVERETT CUTTER, OREGON RAILROAD ASSOCIATION

272 LARSON: Explains intent of HB 2199A. -Explains experience and exam requirements.

284 HOWARD FEGELS, PUC: Submits and reviews written testimony in support of HB 2199A.

305 SEN. SMITH: Is there any kind of railroad besides a Class I?

308 FEGELS: Explains other types of railroads.

312 SEN. SMITH: So this would add some different kinds of employees that aren't on there now and add short line employees. 320 FEGELS: That is correct.

400 CUTTER: Testifies in support of HB 2199.

335 CHAIR DUKES: These are railroad inspectors. Were you proposing that we not have the qualifications for them?

340 FEGELS: Explains the original statute.

346 CHAIR DUKES: The House Committee wasn't comfortable repealing what was in the original bill?

358 FEGELS: I'm not sure.

362 CUTTER: The main intent of the bill is to broaden the spectrum of qualified people who might be hired to include minority and female

employees more fairly.

370 CHAIR DUKES: Do you have reason to believe we could have a woman or a minority as a rail inspector in Oregon in the not to distant future?

376 FEGELS: It would be more possible with the broader base which is proposed in this bill.

383 SEN. SMITH: Are there any female or minorities who are engineers?

385 CUTTER: No that is not the case. There are female locomotive engineers, but it's still male dominated.

TAPE 98, SIDE A

WORK SESSION ON HB 2199:

MOTION: Senator T. Smith moves HB 2199A to the floor with a "DO PASS" recommendation.

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

PUBLIC HEARING ON HB 2200: Relating to motor carrier education.

GREG MALKASIAN, PUC BOB RUSSELL, PUC MIKE MEREDITH, OREGON TRUCKING ASSOCIATION CAROLYN BARR, CONSOLIDATED FREIGHTWAY

061 LARSON: Submits and reviews intent of HB 2200-1 amendments. (EXHIBIT E) 072 GREG MALKASIAN, PUC: Submits and reviews written testimony in support of HB 2200. (EXHIBIT F)

107 SEN. SMITH: Disappointed with this concept because it seems that this is more important than safety issues. -Discusses the issue of no brakes versus educational classes.

119 MALKASIAN: Suspensions are not very cut and dry.

157 SEN. SMITH: It deals with new carriers not established ones. Why?

160 MALKASIAN: Explains why the bill deals with new carriers only. -We can't offer courses on a daily basis, they are quarterly. -They are given 180 days to attend an educational seminar after they have received authority to operate.

171 SEN. SMITH: If you suspended under this bill then what?

175 MALKASIAN: They would have to go to a location where there was a class being offered.

181 SEN. SMITH: Have you tracked compliance statistics to determine whether or not your class has reduced the level of illegal operations in the state?

190 MALKASIAN: Discusses safety studies they are going to target to gather some statistics.

197 RUSSELL: Submits and reviews written testimony in support of HB
220 0. (EXHIBIT G)

247 CHAIR DUKES: Would you need an expenditure limitation for this
since your budget is through the whole process?

252 RUSSELL: We would need that.

257 SEN. LIM: Is the trucking industry willing to pay for this?

258 RUSSELL: Yes. There are approximately 3,000 companies.

262 SEN. LIM: Would that mean there would be six new people
participating in PERS?

269 RUSSELL: We hire people under what ever existing agreement is
between PERS and the state.

275 SEN. SMITH: The cost for that would be paid for by the fee.

280 MIKE MEREDITH, OTA: Testifies in support of HB 2200.

321 CAROLYN BARR, CONSOLIDATED FREIGHTWAY: Submits and reviews
written testimony. (EXHIBIT H)

399 SEN. SMITH: Why do you need three more auditors? 404 RUSSELL:
Explains why auditors would be needed to do the fuel taxes.

TAPE 97, SIDE B

010 RUSSELL: Explains what is currently audited. -Explains the issue
of fuel tax.

030 SEN. SMITH: What is a PSR3?

035 RUSSELL: It stands for Public Service Representative and they
process reports.

035 CHAIR DUKES: Asks about benefits to interstate and intrastate
carriers in Oregon.

040 RUSSELL: Explains how this would be beneficial.

044 SEN. LIM: Is California involved with this?

047 RUSSELL: Not presently but should be by 1996.

WORK SESSION ON HB 2200: Relating to motor carrier education program.

MOTION: Senator T. Smith moves HB 2200-1 amendments to HB 2200.

VOTE: Hearing no objection the motion carries.

064 SEN. LIM: I like the concept and the original bill but I don't
agree with the amendments.

MOTION: Senator T. Smith moves HB 2200, as amended, with a "DO PASS"
recommendation to Ways and Means, with a letter to the President
requesting a subsequent referral to Ways and Means be added to the

bill.

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

PUBLIC HEARING ON HB 2205: Relating to variance permit fees.

GAYLE GREEN, PUC BOB RUSSELL, PUC

099 GAYLE GREEN, PUC: Submits and reviews written testimony in support of HB 2205. (EXHIBIT I)

117 SEN.SMITH: How many permits do you issue and how much do you anticipate on collecting?

119 GREEN: I don't have that information at this time. Some are issued by PUC and some are issued by ODOT.

123 SEN. SMITH: But ODOT has the authority to collect the \$8.00 fee and you don't.

125 RUSSELL: We issued about 40% of the permits and last year. The total was 22,568.

128 SEN. SMITH: Why is that a minimal revenue impact? If this is a minimal revenue impact the bills probably cost more than you're going to

recover.

131 RUSSELL: This would just allow us to charge the trip permit fee at time of audit. -Discusses how they issue the highway variance permits. -Discusses concern about large loads in regard to safety.

147 CHAIR DUKES: How many of these are there at the time of audit?

149 RUSSELL: Difficult to say how many would not have been paid.

155 SEN. SMITH: Is it a minimal revenue impact because most pay?

158 RUSSELL: We would think that is correct. It's a relatively new program, road use assessment fee has only been in place since January 1990.

164 CHAIR DUKES: Concerned about the number of bills brought by PUC and that this is a waste of time. Cost more to put this bill through the

legislative process than you're ever going to collect on it. That doesn't make a lot of sense to me. Try consolidating some of these next time.

167 SEN. LIM: What kind of taxes do I pay if I have a truck?

177 RUSSELL: Explains the taxes and fees on trucks. -Outlines fees

involved.

WORK SESSION ON 2205:

210 MOTION: Senator J. Bunn moves to table HB 2205.

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

217 CHAIR DUKES: Adjourns meeting at 4:35 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - HB 2404, Joe French, 2 pgs. B - HB 2404, Bob Russell, 2 pg. C - HB 2198, Craig Reiley, 1 pg. D - HB 2199, Howard Fegles, 2 pgs. E - HB 2200-1 amendments, staff, 2 pgs. F - HB 2200, Greg Malkasian, 2 pgs. G - HB 2200, Bob Russell, 4 pgs. H - HB 2200, Carolyn Barr, 5 pgs. I - HB 2205, Gayle Green, 1 pg.