

SENATE COMMITTEE ON TRANSPORTATION

June 16, 1993 Hearing Room C 3:00 p.m. Tapes 99 - 100

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 SB 262 HB 3275 HB 3443 SB 769

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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 99, SIDE A

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

WORK SESSION ON SB 2900: Relating to fenders or mudguards.

SENATOR JEANETTE HAMBY RICK GORDON, WASHINGTON COUNTY SHERIFF RUSS
SPENCER, STATE SHERIFF'S ASSOCIATION

012 LARSON: Submits and reviews HB 2900-A3 amendments. (EXHIBIT A)

027 SEN. KINTIGH: What does it mean when it says "unmuffled" and what do you mean by emergency situation?

031 LARSON: Defines muffled and unmuffled engine braking. 035
CHAIR DUKES: The emergency situation is not a violation.

037 LARSON: Explains the reporting outlined in the bill.

MOTION: Chair Dukes moves HB 2900-A3 amendments to HB 2900-A.

VOTE: Hearing no objection the motion is adopted.

055 SENATOR HAMBY: Submits and reviews HB 2900-A4 amendments.
(EXHIBIT B) -Explains what device the Optigreen Company makes. -Suggests to conceptually amend the HB 2900-A4 amendments to clearly

state that this is contraband and clearly subject to seizure.

096 RICK GORDON, WASHINGTON CO. SHERIFF'S OFFICE: We support the

bill and especially the HB 2900-A4 amendments. We are opposed to allowing this

company to sell this device to the private sector. -Explains the safety issue involved.

125 CHAIR DUKES: Where do the emergency vehicles get them now?

128 GORDON: They get them from a manufacturer.

130 CHAIR DUKES: Any other uses other than emergency type vehicles?

134 SEN. HAMBY: I checked with the Tri-Met Region 1 officer and they are fully supportive of the amendment.

150 RUSS SPENCER, STATE SHERIFF'S ASSOC.: Testifies in support of bill and amendments.

169 HAMBY: Clarifies conceptual amendment to HB 2900-A4 which clearly states the device is contraband and subject to seizure.

174 SEN. KINTIGH: How widely are these used by emergency vehicles?

177 GORDON: Explains who uses the device in Washington County. -Police don't use them.

MOTION: Senator T. Smith moves to conceptually amend HB 29090-A4 to HB 2900 on line 13 delete "Class B traffic infraction" and insert "Class C misdemeanor" and also add language that would clearly make the device contraband and subject to seizure.

VOTE: Hearing no objection the motion carries.

MOTION: Senator T. Smith moves HB 2900-A4 amendments, as amended, to HB 2900-A.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator T. Smith moves HB 2900-A3 amendments to HB 2900-A. VOTE: Hearing no objection the motion is adopted.

MOTION: Senator T. Smith moves HB 2900-A, as amended, to the floor with a "DO PASS" recommendation.

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

PUBLIC HEARING ON HB 3275: Relating to metric speed signage.

243 LARSON: Reviews intent of HB 3275.

256 CHAIR DUKES: Does the 1991 executive order require total metric?

272 SEN. KINTIGH: Is it likely to have to do this by 1996?

274 LARSON: I believe rulemaking by 1994 and accomplished by 1996.

Recesses meeting at 3:50 p.m.

Reconvenes meeting at 3:52 p.m.

WORK SESSION HB 3275:

MOTION: Chair Dukes moves HB 3275 to the floor with a "DO PASS" recommendation.

290 SEN. LIM: Where will the 4.5 million dollars be coming from?

289 CHAIR DUKES: Road fund money. We do have the funds for this. If we have to replace the signs and have to put them in metric then they will also have miles per hour on them. The cost of 4.5 million is the cost to

replace the signs at all. They will just add to the silkscreen and have miles per hour as well as kilometers. It's replacing the signs that is going to cost.

302 SEN. LIM: We are required to do this by 1996.

308 CHAIR DUKES: It's a lot of signs but I think we have time to do this.

313 SEN. WEBBER: The resolution we just did said, "don't require us", so we're betting we won't have to do it.

325 CHAIR DUKES: If we have to go to kilometers this would say that they will also have miles per hour on them.

330 SEN. WEBBER: Shouldn't it say any new sign should have both.

337 CHAIR DUKES: I think it says that. This is the third bill we've gotten from the House on this issue so they aren't real happy about this.

345 SEN. WEBBER: Only by use will you figure out how to read kilometers.

347 SEN. KINTIGH: There is an occasional sign that has kilometers on it.

354 SEN. LIM: Is this contrary to the resolution we just passed?

360 CHAIR DUKES: If they don't listen to the other one and we have to do it then this bill will fix that.

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

PUBLIC HEARING ON HB 3443: Relating to motorcycle endorsements.

WAYNE SCHUMACKER, MOTORCYCLE SAFETY ADVISORY COMMITTEE DON LAWSON, BIKEPAC OF OREGON MIKE UNGER, MOTOR VEHICLE DIVISION

390 WAYNE SCHUMACKER, GOVERNOR'S MOTORCYCLE SAFETY ADVISORY COMMITTEE: Testifies in support of HB 3443. -Submits and reviews written testimony. (EXHIBIT C)

459 DON LAWSON, BIKEPAC OF OREGON: Submits and reviews written testimony. (EXHIBIT D)

TAPE 100, SIDE A

050 CHAIR DUKES: Is there something in here that would allow DMV to waive the driving test if you've completed Team Oregon?

056 LAWSON: Currently they can on smaller motorcycles. We hope that by the elimination of the tiered system they will be allowed to waive the test for everyone.

055 MIKE UNDER, DMV: Submits and reviews written testimony. (EXHIBIT E) -Explains current DMV rule regarding waiving the testing.

088 CHAIR DUKES: If we get rid of the Class II designation and everything is Class I can they get their endorsement on a smaller bike?

087 UNGER: Yes they would be able to do that and it wouldn't be a problem. Also, based on engine displacement research there would not be an impact on safety.

095 CHAIR DUKES: Does DMV ever go out to Team Oregon to watch people go through the program?

103 UNGER: I have done that in the past.

106 CHAIR DUKES: Makes sense for the state to go out and make it easier for the customer.

110 UNGER: Discusses the motorcycle safety test.

115 CHAIR DUKES: You're willing to waive the written and riding test?

120 UNGER: Riding test for sure and the written test is under consideration.

122 CHAIR DUKES: I assume you're speaking for the agency and the skills test will be waived if we pass this bill.

125 UNGER: It currently is for lower class bikes and by eliminating that we would just have to change our rules and that is our intent.

128 SEN. KINTIGH: Do larger bikes have more accidents or do the smaller ones?

134 UNGER: I don't know for sure.

136 LAWSON: Explains national information regarding safety. -Explains the Team Oregon Course.

WORK SESSION ON HB 3443.

MOTION: Senator Kintigh moves HB 3443 to the floor with a "DO PASS"

recommendation.

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

testimony for the record (EXHIBIT F & G)

PUBLIC HEARING ON SB 769A: Relating to photo radar.

SUSAN SCHNEIDER, CITY OF PORTLAND KATE DEANE, CITY OF PORTLAND LINDA MENG, CITY OF PORTLAND ATTORNEY LT. CARLA, GRESHAM POLICE OFFICER MAYOR GUSSIE MCROBERT, CITY OF GRESHAM

175 LARSON: Reviews intent of SB 769-A2 amendments. (EXHIBIT H)

191 SUSAN SCHNEIDER, CITY OF PORTLAND: Reviews the SB 769-A2 amendments.

275 KATE DEANE, CITY OF PORTLAND: Submits and reviews written testimony. (EXHIBIT I)

322 SEN. WEBBER: Discusses the original purpose of the bill. -If it has to be a person then you get back to the old traffic cop

sitting out there. 348 DEANE: Explains why the changes were made regarding follow up on the citation issue.

361 SEN. WEBBER: This goes beyond the original intent.

365 CHAIR DUKES: Different versions of the bill or interpretations of this bill.

381 LINDA MENG, PORTLAND CITY ATTORNEY: Issue of photo radar staffed by a police officer.

397 CHAIR DUKES: This is a sworn officer as long as this is issuing a citation.

403 DEANE: Our intent is to change driver behavior and use this as a tool.

422 SEN. LIM: In section 1 it says "at their own cost", what would be the cost?

TAPE 99, SIDE B

016 DEANE: Explains how the program would be financed. -We believe this is revenue neutral.

036 SEN. LIM: Where do we get the machine?

038 DEANE: Explains that a company sells the equipment. You could buy or lease one.

043 SEN. LIM: What percentage do they get?

044 DEANE: Fees cover costs.

048 SEN. LIM: What is the average ticket cost?

050 DEANE: Explains average amount of paid citations. -Explains revenue split between cities, counties, etc.

057 SEN. LIM: Can people afford that ticket it seems very expensive.

064 CHAIR DUKES: Asks about current traffic infraction tickets.

066 DEANE: Explains the cost of a ticket for a traffic infraction.

067 SEN. LIM: Asks about the number of citations per year.

089 SEN. YIH: Will the person know right away if they were speeding?

092 DEANE: Explains the reader board and how a person would be informed.

117 DEANE: The bail amount for a citation may be \$150.00 but the actual amount paid on that is substantially less than that.

134 CHAIR DUKES: So you actually could get a \$5.00 dollar speeding ticket.

137 LT. CARLA, GRESHAM POLICE OFFICER: In Multnomah County the bail is determined by the amount of speed over the posted speed limit. Then the court has the authority to reduce that to any amount.

144 CHAIR DUKES: If a person gets one of these tickets in the mail and can't go to court they would pay the \$150.00 dollars.

150 DEANE: You're right, and that is the same as any other citation right now and it's a problem.

153 SEN. YIH: What do you send to a person who was speeding?

158 DEANE: Explains what will be sent out with the citation. -If the picture isn't clear and we couldn't read the license plate or identify the individual we certainly wouldn't send a citation.

186 SEN. SMITH: Asks about the declaration of innocence regarding purgery.

194 DEANE: We need some mechanism that would let people know we are serious. -I'm not sure if we will actually prosecute people that lie on the form.

203 SEN. SMITH: Asks for information from other counties that would be involved in this project.

209 CHAIR DUKES: The bill doesn't mention anything about a reader board and it includes more than the City of Portland. Would you object if that

were amended in the bill?

212 DEANE: No we would not. -Suggests that in the -2 amendments,

line 7, that the language would

apply to any jurisdiction doing a demonstration project.

217 MAYOR GUSSIE McROBERT, CITY OF GRESHAM: Submits and reviews written testimony. (EXHIBIT J)

302 CHAIR DUKES: Why we have more people on local roads speeding is important. Simply enforcement isn't going to help. The state has gone

out and built roads without local jurisdictions authority. Somewhere in there we need to address that problem. Layers of enforcement is not the answer we need to get at the root of the problem. On the other hand I

understand you have this problem and maybe you have to go this route.

WORK SESSION ON SB 262:

LAUREL WHITEHURST, SENATOR ROBERTS OFFICE FRED VANNATTA, OREGON HOME BUILDERS ASSOCIATION MICHAEL RONKIN, ODOT

371 LAUREL WHITEHURST, LEGISLATIVE ASST., SENATOR ROBERTS: We have agreed on the SB 262-4 amendments. (EXHIBIT K) 378 FRED VANNATTA, OREGON HOME BUILDERS ASSOC.: The amendments address the problems we had with the bill.

TAPE 100, SIDE B

020 WHITEHURST: Michael Ronkin from ODOT knows specifically about that.

027 CHAIR DUKES: Do you agree that a sidewalk could be a bike path?

030 WHITEHURST: Yes.

031 MICHAEL RONKIN, ODOT: Discusses difference between different local ordinances.

066 SEN. SMITH: So the threshold is 3,000 vehicles.

080 SEN. YIH: Asks about any possible fiscal impacts on a business.

081 VANNATTA: Concerned about getting conflicting information regarding the issue of sidewalks on both sides of a cul-de-sac.

096 SEN. YIH: Asks for clarification regarding the sidewalk issue.

102 RONKIN: The issue is the need. Exception B.

112 SEN. YIH: Cul-d-sac on one side only? That seems odd.

116 VANNATTA: At least down to the circle and then stopping. Retro-fitting is a difficult process. -Explains Salem City ordinance.

127 SEN. YIH: Asks about building codes.

130 RONKIN: Talks about engineering standards and that they are based on need.

137 SEN. SMITH: I don't know that this is an issue.

147 SEN. YIH: Will it get in the way if you're required to build on both sides?

154 VANNATTA: It was our belief that this would be something that ODOT would take care of in rule making.

160 RONKIN: Clarifies the "need" issue in regarding to not having a sidewalk on each side.

MOTION: Senator J. Bunn moves SB 262-4 amendments to SB 262.

VOTE: Hearing no objection the motion carries.

MOTION: Senator J. Bunn moves SB 262, 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 and Yih voting AYE and Senator Lim voting NAY with Senators Webber and Dukes excused. Senator Bunn will carry.

170 VICE-CHAIR SMITH: Adjourns meeting at 5:07 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - HB 2900-A3 amendments, 3 pgs. B - HB 2900-A4 amendments, 1 pg. C - Wayne Schumacher, HB 3443, 1 pg. D - Don Lawson, HB 3443, 2 pgs. E - Michael Unger, HB 3443, 2 pgs. F - Rep. Walden, HB 3443, staff, 1 pg. G - Steve Garets, HB 3443, staff, 1 pg. H - SB 769-A2 amendments, staff, 3 pgs. I - Kate Deane, SB 769, 9 pgs. J - Gussie McRoberts, SB 769, 2 pgs. K - SB 262-4 amendments, staff, 2 pgs.