

SENATE COMMITTEE ON TRANSPORTATION

June 23, 1993 Hearing Room C 3:00 p.m. Tapes 103 - 105

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: Executive Appointment Thomas Montgomery,
Lane Co. Mass Transit District

Board HB 2507 HB 2866 HB 2598

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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 103, SIDE A

003 CHAIR DUKES: Calls meeting to order at 3:25 p.m.

EXECUTIVE APPOINTMENT:

017 THOMAS MONTGOMERY, LANE COUNTY MASS TRANSIT DISTRICT BOARD:
Explains why he is interested in serving. (EXHIBIT A)

028 CHAIR DUKES: Asks about funding for the district.

030 MONTGOMERY: Discusses federal funding available.

040 CHAIR DUKES: Important questions facing Lane County.

041 MONTGOMERY: Provide as broad as system as we can and serve as many as we can with the money we have. -Education of public on mass transit. -Cut backs in service several years ago.

062 SEN. SMITH: What is your ridership percentage relative to the population?

065 MONTGOMERY: I don't know off the top of my head. I've seen it before.

070 SEN. SMITH: It seems that you have a relatively high ridership.

072 MONTGOMERY: Explains Lane County ridership. -Discusses his profession.

088 SEN. YIH: Asks about funding and where they get it.

093 MONTGOMERY: Explains funding amounts and the percentages.

120 SEN. YIH: Ideally ridership would totally fund the cost of operating.

137 MONTGOMERY: Explains the difficulty with providing service to as many people as possible. -Explains route reviews done by the Board.

WORK SESSION ON EXECUTIVE APPOINTMENT:

MOTION: Senator Smith moves that Mr. Montgomery be recommended for confirmation, on the floor, to the Lane County Mass Transit District Board.

VOTE: Hearing no objection the motion is adopted.

PUBLIC HEARING ON HB 2507: Relating to overpass screening.

REPRESENTATIVE LONNIE ROBERTS REPRESENTATIVE GENE DERFLER REPRESENTATIVE KEVIN MANNIX GARY WILLIAMS, OREGON STATE BAR TERRANCE ALLEN, CITIZEN JESSICA ALLEN, CITIZEN TOMMY MALLOY, TEAMSTERS ZELDA SUNIGA, CITIZEN FRANK SUNIGA, CITIZEN DALE BAKER, CITIZEN DUANE HOFFSTETTER, ODOT

195 REPRESENTATIVE LONNIE ROBERTS: Explains brief history of the bill in the House General Government Committee.

234 SEN. SMITH: Which committee modified the bill?

242 ROBERTS: House Appropriations A.

255 SEN. KINTIGH: If we amended this back to the original version would it pass through the House?

259 ROBERTS: We were pushing for something better than 15 a year. 275

REPRESENTATIVE GENE DERFLER: Gives brief history of this issue. -Explains testimony presented by ODOT in the Appropriations A Committee.

307 SEN. KINTIGH: Will the federal government pay for some of this?

310 REP. DERFLER: I think this might come out of the gas tax money.

320 SEN. SMITH: What would the House do if we did what Rep. Roberts asked?

325 REP. DERFLER: I think there would be some support but I'm not sure total support.

328 SEN. SMITH: On the fiscal it says the total cost would be \$900,000 dollars and then there is a note that says \$600,000 dollars has already been budgeted for.

337 REP. DERFLER: It's about \$30,000 dollars per screening.

340 SEN. SMITH: Seems like it should say \$300,000.00 dollars not \$900,000.00 dollars. Would you take this back and represent this if we changed it?

345 DERFLER: Yes I would.

344 SEN. YIH: Asks for further clarification regarding the fiscal analysis.

358 REP. DERFLER: Explains that ODOT agreed to do this but never followed through.

365 SEN. SMITH: The actual fiscal analysis should be \$300,000.00 dollars.

379 REPRESENTATIVE KEVIN MANNIX: Supports HB 2507. -Discusses the history of this issue. Mandate might be more appropriate. -The Appropriations A Committee wanted to make sure at least 15

overpasses per year were done and also retro-fitting of overpasses and all new highway overpasses. -Discusses the language in section 2 of the HB 2507. -Discusses limited resources. -Doesn't think there is a need for the four year mandate.

472 CHAIR DUKES: HB 2507B doesn't say anything about four years.

TAPE 104, SIDE A

040 REP. MANNIX: Discusses ODOT's process for ranking priorities.

045 CHAIR DUKES: ODOT's budget isn't through Ways and Means yet.

047 SEN. KINTIGH: Is there anything in the six year plan that deals with this?

050 REP. MANNIX: It is part of the plan but is at a slower pace.

051 SEN. SMITH: If ODOT budgeted money for this but didn't do it then what did they spend the money on?

057 GARY WILLIAMS, OREGON STATE BAR: Crook County doesn't have any freeways or overpasses. -Discusses the creation of special crimes regarding this issue. -Discussion about preventative measures.

115 TERRANCE ALLEN, CITIZEN: Testifies in support HB 2507. (EXHIBIT B)

141 JESSICA ALLEN, CITIZEN: Testifies in support of HB 2507. (EXHIBIT C)

163 SEN. YIH: Was the offender ever caught?

164 ALLEN: No.

168 SEN. YIH: Discussion about the mental stability of people who do this sort of thing.

213 CHAIR DUKES: We can certainly make it more difficult to throw a 61 pound rock over an overpass.

223 TOMMY MALLOY, JOINT COUNCIL OF TEAMSTERS: Testifies in support of HB 2507.

274 DALE BAKER, CITIZEN: Testifies in support of HB 2507. (EXHIBIT D)

310 ZELDA SUNIGA, CITIZEN: Testifies in support of HB 2507. -Submits and reviews written testimony. (EXHIBIT E)

340 FRANK SUNIGA, CITIZEN: Testifies in support of HB 2507. -Submits and reviews written testimony. (EXHIBIT F)

TAPE 103, SIDE B

055 CHAIR DUKES: I'm frustrated bordering on angry. -Asks why this was never done and the status of the six year plan in regard to overpass screening.

059 DUANE HOFFSTETTER, ODOT: Explains what ODOT has accomplished.

061 CHAIR DUKES: That is significantly less than what we originally wanted. Reads from 1988 testimony regarding this issue.

068 HOFFSTETTER: Discusses concern about the process for determining priorities. -We agreed to 15 per year. It should be ranked as a high priority

because of the increase in incidents.

079 CHAIR DUKES: Has this issue gone to the Transportation Commission?

087 HOFFSTETTER: Explains what the agreement was in 1989. 089 CHAIR DUKES: Is there anyone in ODOT fighting for these?

091 HOFFSTETTER: We have been doing 7 per year instead of the 4-6 that was required.

095 SEN. BUNN: Discusses the number of years this has gone on and the lack of accomplishment.

096 HOFFSTETTER: Explains how many screens have been put up and what the criteria is for being on the priority list.

113 SEN. SMITH: How many incidents need to occur before it's on the priority list?

117 HOFFSTETTER: Just one.

118 SEN. SMITH: So a rock goes over and someone gets hurt then it becomes a priority.

121 HOFFSTETTER: Explains other criteria used to determine priorities.

126 SEN. SMITH: Asks about the budget and where the money was spent.

130 HOFFSTETTER: We were charged with doing 4 to 6 but we did 7 per year.

134 SEN. SMITH: Asks for clarification on the individual costs for overpass screening.

142 HOFFSTETTER: The \$30,000.00 dollar per overpass is correct at

10 per year. The \$600,000,00 dollars would be for the biennium.

147 SEN. SMITH: That's more overpasses then.

150 CHAIR DUKES: Are there federal funds available for this?

152 HOFFSTETTER: There could possibly be some available.

164 CHAIR DUKES: There are federal funds available but you have earmarked those for new construction? What would it take to get you to apply for

those federal dollars?

175 HOFFSTETTER: Explains that they already apply for the federal dollars but that there are other priorities ahead of screening overpasses.

188 SEN. SMITH: Asks about new construction and if screens are part of the construction.

188 HOFFSTETTER: As far as I understand.

190 CHAIR DUKES: Asks if they have applied for all of the federal funding available.

192 HOFFSTETTER: Explains that there is a ceiling on the amount from the Federal Government.

220 Submits testimony of AAA and OTA in support of the HB 2507. (EXHIBITS G & H)

WORK SESSION ON HB 2507:

MOTION: Senator J. Bunn moves to replace HB 2507B with HB 2507A language.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator J. Bunn moves HB 2507B, as amended, to Ways & Means with a "DO PASS" recommendation.

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

232 SEN. BUNN: I would like this noted as a Legislative priority.

256 CHAIR DUKES: This goes to Ways & Means from here and I believe ODOT's budget is in conference committee right now.

PUBLIC HEARING ON HB 2866: Relating to water skiing regulations.

PAUL DONHEFFNER, STATE MARINE BOARD JOE GILLIAM, CITIZEN

312 LARSON: Submits testimony for the record from Charlene Scrhag (EXHIBIT I)

331 CHAIR DUKES: Do the other states require observers just on weekends or holidays?

333 LARSON: Most states require a full time observer. Some states also have age requirements, but this bill doesn't. The average age is about 12

years and over.

355 SEN. BUNN: Suggests amending HB 2866A in line 23 delete "during Saturdays, Sundays and legal holidays" and delete all of lines 25, 26,

27 and 28. This would require an observer at all times. You create an absolutely unacceptable situation where you tell people it's illegal to operate without an observer certain days of the week and legal other days of the week. Many if not all boaters believe that they need the flag and many use it. It's just common sense.

364 PAUL DONHEFFNER, STATE MARINE BOARD: Submits and reviews written testimony. (EXHIBIT J)

373 SEN. SMITH: Is there any reason why the observer requirement should be restricted?

387 DONHEFFNER: Explains why the observer requirement was modified.

422 SEN. SMITH: How can that be safe?

426 DONHEFFNER: Discusses the testimony given in the House General Government Committee regarding the issue of safety and no observer. -Most people believe an observer is Oregon law. -Water ski Association endorses the observer issue except for two

exemptions in the bill. 456 CHAIR DUKES: Asks about age requirements?

TAPE 104, SIDE B

034 DONHEFFNER: We would back off that issue and also the definition of "competent" observers.

048 JOE GILLIAM, CITIZEN: Testifies in opposition to HB 2866. -Explains different classes of water skiers. -Suggests that there be an exemption tied to the time frame.

090 SEN. BUNN: Still concerned about safety regardless of the time of day.

107 GILLIAM: Discusses the bigger issue of boater safety.

115 CURTIS HANSON, SHERIFF RIVER PATROL UNIT: Submits testimony in support of HB 2866.

WORK SESSION ON HB 2866:

MOTION: Senator Bunn moves to conceptually amend HB 2866A by deleting

the language in line 21 after the bracket and all of line 22. Deleting "during Saturdays, Sundays and legal holidays," in lines 23, page 1 and delete lines 25-28.

146 SEN. YIH: Why not a friendly amendment allowing for no observer before 8:00 a.m.? -Objects to the motion.

VOTE: Hearing no objection the motion is adopted.

151 SEN. BUNN: I don't believe you can have two different standards depending on the time of day. -Discusses the problem with enforcing two different standards.

305 SEN. SMITH: It only takes one other boat on the water to create an unsafe situation.

MOTION: Senator J. Bunn moves HB 2866A, as amended, to the floor with a "DO PASS" recommendation.

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

400 CHAIR DUKES: Adjourns meeting at 5:00 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - Executive Appt., Thomas Montgomery, 13 pgs. B - HB 2507, Terrance Allen, 1 pg. C - HB 2507, Jessica Allen, 1 pg. D - HB 2507, Dale Baker, 1 pg. E - HB 2507, Zelda Suniga, 13 pgs. F - HB 2507, Frank Suniga, 2 pgs. G - HB 2507 AAA testimony, staff, 11 pgs. H - HB 2866, staff, 3 pgs. I - HB 2866, staff, 3 pgs. J - HB 2866, Paul DonHeffner, 5 pgs. K - HB 2866, Curtis Hanson, 2 pgs.