

SENATE COMMITTEE ON TRANSPORTATION

June 28, 1993 Hearing Room C 3:00 p.m. Tapes 107 - 108

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 769 SB 109 HB 2339

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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 107, SIDE A

005 CHAIR DUKES: Calls meeting to order at 3:35 p.m.

WORK SESSION ON HB 2339:

010 LARSON: Submits and reviews HB 2339-A4 amendments. (EXHIBIT A)

MOTION: Senator T. Smith moves to reconsider HB 2339A

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator Smith moves HB 2339-A4 amendments to HB 2339.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator Smith moves HB 2339-A, 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 Senators Kintigh, Lim and Yih

excused. Senator Webber will carry. PUBLIC HEARING ON SB 109:

047 LARSON: Submits and reviews SB 109-1 amendments. (EXHIBIT B)
-Explains the connection to SB 259. -The SB 109-1 amendments add to the original bill they don't replace the language. -Clarifies issues that deal with the function and membership of the

Board of Maritime Pilots.

104 SEN. WEBBER: On page 2, line 8 of the amendment it says, "engaged in the activities of a company that operates commercial maritime vessels". Is

that the same as operation or management of ocean going vessels? Is maritime also considered river?

112 CHAIR DUKES: There have been discussions about that and we couldn't come up with any other type of vessel that would qualify. There was a

indication that barges would qualify under this. They are part of the line of succession to becoming a river pilot. The intent of the SB 109 -1 amendments is to broaden, without changing the basics, the membership of the Board.

126 SEN. WEBBER: It broadens it by including people who do similar activities on rivers. -Discusses rivers versus oceans.

133 CHAIR DUKES: People who are engaged with these types of vessels.

139 SEN. WEBBER: Discusses issue of controlled monopoly in terms of the number of pilots.

153 CHAIR DUKES: There hasn't been a lot of discussion on that this session but it is a huge issue. -Suggests taking this one step at a time in terms of opening up the

industry.

WORK SESSION ON SB 109:

163 PAUL JACKSON, COLUMBIA RIVER BAR PILOT: I think that the Board does have the latitude to protect public safety in regard to more or fewer pilots. -The Department of Transportation will be appointing the Board of

Maritime Pilots administrator?

181 CHAIR DUKES: This is language we put in SB 98 as well. It moves the Board fully under ODOT.

187 JACKSON: Asks if there is existing laws that relate to the entry level qualification for pilots. There is similar language on line 25, page 3

of the amendments.

195 CHAIR DUKES: Earlier this session that happened, but I'm not aware of any other language. -The only thing that has changed in section 3 is up in lines 10 and 11

regarding the administrator and pay. That has been deleted but everything else is existing.

217 LARSON: If SB 109 passes and SB 259A passes there could be some conflicts.

222 CHAIR DUKES: What if we adopted conceptual conflict amendments today, so that this would conform to SB 259A, if it passes.

239 LARSON: There may be others I just don't know where all the other conflicts might be.

252 SEN. BUNN: If we conceptually amend it to conform to SB 259 now then we would avoid the conference committee.

256 CHAIR DUKES: I'd be more comfortable doing it now if we can.

258 SEN. SMITH: In SB 259A we left the appointment authority with the Board, but I like the fact that the administrator issues are in SB 109-1

amendments.

MOTION: Senator T. Smith moves to amend SB 109 by deleting everything after lines 3, and inserting SB 109-1 amendments, into SB 109.

VOTE: Hearing no objection the motion is adopted.

331 LARSON: Do you want the whole bill?

333 SEN. SMITH: The problem with saying we just want the conflict amendments is that what we've just done in SB 109 might not make it.

339 CHAIR DUKES: What I'm trying to say is that if both bills pass then SB 259 is the bill that will become a law.

MOTION: Senator J. Bunn moves to conceptually amend SB 109 with conflict amendment stating that nothing in SB 109 would change anything in SB 259 if it passes.

VOTE: Hearing no objection the motion is adopted.

MOTION: Senator T. Smith moves SB 109, 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, Yih and Dukes voting AYE with Senators Kintigh and Lim excused.

PUBLIC HEARING ON SB 769: Relating to photo radar.

JANE LEO, SENATOR LIM'S OFFICE CATHY STANTON, CITIZEN CLARICE WHITE, CITIZEN

390 LARSON: Submits and reviews SB 769A-3 amendments. (EXHIBIT C) and SB 769A-4 amendments. (EXHIBIT D)

TAPE 108, SIDE A

035 JANE LEO, ASSISTANT TO SENATOR JOHN LIM: Reviews SB 769A-3

amendments. These have the support of the City of Gresham and the City of Portland. The amendments outline that this be a one year program and that it be on local streets not city street. -Suggests amending SB 769A-3 amendments, line 8; delete "city" and

insert "local". 040 CHAIR DUKES: As long as it is in the record that local streets aren't state highways.

052 LEO: This is a way to see if photo radar will help deter speeders.

062 CLARICE WHITE, CITIZEN: Testifies in support of SB 769. -Discusses survey that measured liveability concerns.

096 CHAIR DUKES: The police officer was added by the Judiciary Committee.

100 CATHY STANTON, CITIZEN: Testifies in support of SB 769. -Explains her personal experience with transportation issues. -Does not support SB 769-A3 amendments which delete certain cities.

139 CHAIR DUKES: This needs to be narrowed if it's going to pass. The City of Portland made the biggest case for this and so did the City of

Gresham. I have nothing against the City of Beaverton, but it's going to be tough to get this bill through the floor. It failed once already. It is also just a pilot project.

157 STANTON: We would encourage you to reconsider putting Beaverton back in the study.

166 SEN. SMITH: The purpose of the bill is to determine whether or not this would impact driving habits. Is there a difference between Portland and Beaverton drivers?

173 STANTON: Yes. -Explains the circular street design in Beaverton and the difficulty

getting to arterial streets. -Explains why Beaverton should be included in the pilot project.

195 SEN. SMITH: So you feel this would slow people down. That's the question presented to us with this bill. I would think it would be the same

anywhere. The existence of this machine will cause drivers to slow down.

203 STANTON: Explains issue of awareness and educating people. -Explains the traffic flow in the City of Beaverton.

230 CHAIR DUKES: If Beaverton citizens have flagged this as a real problem are they then willing to pay for more police?

237 STANTON: We got four new officers this year and there could possibly be more, so yes, we are willing to pay for it.

245 CHAIR DUKES: Explains importance of an educational period.

257 STANTON: I have been a member of AAA since 1957.

261 BRAD WOODWARD, BEAVERTON POLICE OFFICER: Testifies in support of SB 769 . We would like to be included in the pilot program. -Explains what Beaverton is currently doing to stop speeding.

322 CHAIR DUKES: The only way this is going to pass on the floor is if it is narrowed down.

331 CAROLYN BOLME, CITIZEN: Testifies in support of SB 769. -Discusses possible reasons why a person would speed.

TAPE 107, SIDE B

034 CHAIR DUKES: Do you have speed bumps?

036 BOLME: Explains the long process for qualifying for speed bumps.

068 CHAIR DUKES: How did the opening of the Glen Jackson bridge open more traffic to you?

071 BOLME: Explains the increased traffic and the streets that flow onto the bridge.

082 CHAIR DUKES: Discusses lack of concern regarding the impact on neighborhoods when constructing new roads.

096 VIRGIL FLATH, CITIZEN: Testifies in support of SB 769. -Explains the lack of tools available to stop speeders.

123 CHAIR DUKES: So you have people who live in the neighborhood speeding through there as well.

125 FLATH: Yes.

133 KATE DEANE, CITY OF PORTLAND: Explains the procedure for determining the necessity of speed bumps.

145 CHAIR DUKES: I don't think we need to know the criteria for speed bumps.

156 DEANE: Concerned about schools which are located on streets that happen to be state highways.

176 CHAIR DUKES: This has been clarified as a one year pilot project with an actual time frame in here as to how many hours per day you can do this. You're not going to get everything in this one. If this project is

successful and you can convince the next legislature that this works then you can move forward.

197 DELL ISHAM, AUTOMOBILE CLUB OF OREGON: Submits and reviews written testimony. (EXHIBIT E)

256 SEN. SMITH: Are you presuming 250 people per day, on each street, will be speeding?

260 ISHAM: Sure it's possible. If you had a street with 5,000 people on it I'm sure you could find 250 per day. Lancaster street is a

residential

street and it has over 5,000 motorists on it. -This is a violation of due process.

260 DENNIS DALY, CAPTAIN, PORTLAND POLICE DEPT.: This is not a new concept or idea and I don't understand why it needs to be tested again and

again. -Discusses cities he has visited who use photo radar. -Explains the pros and cons he has heard on this issue over the past 10 years. -Feels that it does change driver behavior.

303 CHAIR DUKES: Don't they just move to another street?

305 DALY: It might have photo radar on it too. -There is no evidence that this isn't effective or that it doesn't

change behavior.

335 SEN. SMITH: Underlying issues here is the change that it represents in the presumption of innocence and guilt. All of our laws are based on the exact opposite of that.

321 LINDA MENG, CITY OF PORTLAND ATTORNEY: Explains the presumptions made in SB 769. -Explains decisions upheld in court regarding reasonable presumption.

361 SEN. SMITH: It may get past the court but I'm not sure it will in my mind.

370 MENG: Some key factors to keep in mind is that driving violations are not criminal, rather purely a civil matter.

WORK SESSION ON SB 769:

MOTION: Chair Dukes moves to amend SB 769-A4 amendments on page 1, line 11; deleting the word "city" and inserting the word "local".

436 CHAIR DUKES: The intent is that this not be on state highways and since the City of Gresham has many streets that are county streets they

wouldn't be able to use this if it said "city".

VOTE: Hearing no objection the motion is adopted.

MOTION: Chair Dukes moves SB 769-A4 amendments, as amended, to SB 769 A.

VOTE: Hearing no objection the motion is adopted.

MOTION: Chair Dukes moves SB 769A, as amended, to the floor with a "DO PASS" recommendation.

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

470 SEN. KINTIGH: I may not support this on the floor.

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

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG: A - HB 2339-A4, staff, 1 pg. B - SB 109-1, staff, 6 pgs. C
- SB 769-A3, staff, 2 pgs. D - SB 769-A4, staff, 2 pgs. E - SB 769
testimony, Dell Isham, 1 pg.