

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.

Measures Heard
PH & WS: SB 70
PH: SB 71 & SB 191

SENATE COMMITTEE ON
TRANSPORTATION

January 31, 1991Hearing Room 137
8:00 a.m Tapes 10, 11 & 12

MEMBERS PRESENT:Sen. Joan Dukes, Chair
Sen. William McCoy, Vice-Chair
Sen. Paul Phillips
Sen. Tricia Smith
Sen. Eugene Timms
Sen. Peter Brockman

MEMBERS EXCUSED:Sen. Glenn Otto

STAFF PRESENT: Ruth Larson, Committee Administrator
Shannon Gossack, Committee Assistant

WITNESSES: Doug Gyllenskog, Weighmaster, Highway Division
Mike Meredith, Oregon Truckers Association
Jim Stevenson, Oregon State Police
Everett Cutter, Oregon Railroad Association
Russ Spencer, Oregon State Sheriffs
Bob Bothman, Oregon Dept. of Transportation
John Rist, Oregon Dept. of Transportation

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TAPE 10, SIDE A

008 VICE CHAIR MCCOY: Calls meeting to order at 8:10 a.m.

011 MOTION: Senator Smith moves to bring SB 58 back to Committee for reconsideration because of constitutional problems with the amendments.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

PUBLIC HEARING ON SB 70

030 DOUGLAS GYLLENSKOG, CHIEF WEIGHMASTER, STATE HIGHWAY DEPT.:
Submits and reviews written testimony. (EXHIBIT A)

100 SEN. MCCOY: You want to make an exception for 68,000 pounds?

102 GYLLENSKOG: There is already an exception.

106 SEN. MCCOY: Was the weight based on the tractor?

104 GYLLENSKOG: On the number of axles and the wheelbases.
-Reviews testimony. (EXHIBIT A)

126 SEN. SMITH: Are there trucks that are 30 feet long and have four axles that are not tandem?

131 GYLLENSKOG: Explains the definition of a tandem axle.

134 SEN. SMITH: Are there trucks that have axle configurations that are spaced further apart than tandem axles?

139 GYLLENSKOG: Continues with written testimony. (EXHIBIT A)
-Configuration is changed if an axle is added.
-Discusses other exceptions based on configurations.

184 CHAIR DUKES: I thought you said it would go up to 70,000 pounds?

190 GYLLENSKOG: It would not negate the exception if this bill passes.
-Continues with testimony. (EXHIBIT A)

216 MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: Discusses the Motor Carrier

Taxation Task Force of 1987.

-Axle weight is what causes damage to the highway not gross weight. We encourage the adoption of this bill.

245 CHAIR DUKES: So this doesn't allow you to carry anymore weight but spreads the weight out over more axles if you choose to do that.

246 SEN. BROCKMAN: How much does a new axle and two wheels weight?

252 GYLLENSKOG: I would say around 4,000 pounds.

255 SEN. BROCKMAN: I don't see what you are gaining if it weighs the same on the scale.

258 GYLLENSKOG: You're not really gaining anything. We are attempting to clear up confusion within our own enforcement people.

264 SEN. BROCKMAN: I understand the benefit to the highways but not the truck.

274 GYLLENSKOG: It would do less wear on the highways. A benefit to the industry is that it would make the load distribution a little less critical when they were loading their trucks.

289 SEN. SMITH: So we are talking about a carrier that bought a truck with this type of axle not one that has added to their truck?

294 GYLLENSKOG: Yes. Trucks from other states that have different laws. -Discusses the exceptions regarding poundage.

WORK SESSION ON SB 70

320 MOTION: Senator Phillips moves SB 70 to the Floor with a "DO PASS" recommendation.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES WITH SENATORS MCCOY, TIMMS, BROCKMAN, PHILLIPS, SMITH AND DUKES VOTING AYE, AND SENATOR OTTO EXCUSED. SENATOR PHILLIPS WILL CARRY THE BILL.

PUBLIC HEARING ON SB 71

343 DOUGLAS GYLLENSKOG, WEIGHMASTER, STATE HIGHWAY: Submits and reviews written testimony.(EXHIBIT B)
-Discusses the definition of the tandem axle.

TAPE 11, SIDE A

014 CHAIR DUKES: So anyone at eight in a half feet could carry 42,000 pounds?
-What Washington and California do isn't necessarily things that Oregon needs to do.
-Two axles is the minimum amount and you're going to allow 5,000 pounds more, that doesn't sound like a good deal. It sounds like a lot of weight for a little bit of space between axles.

034 GYLLENSKOG: It is a lot of weight for a spacing of one to five inches. It is what is being allowed in other states.
-Discusses chart in testimony regarding rounding up of weight.

042 CHAIR DUKES: Are we just trying to be consistent with this bill?

044 GYLLENSKOG: Yes. To conform so that we are uniform and so the wheelbase chart isn't quite as confusing.
-Refers to testimony.(EXHIBIT B)

090 CHAIR DUKES: What the table is saying is if you have nine feet with two axles then you can carry 39,000 pounds. If you have nine feet and you have five axles you can carry 42,500 pounds.

092 SEN. SMITH: I am so impressed that thousands of people in this state understand this.

104 MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: This is a very complex situation and this bill would simplify the charts for truckers. Uniformity is critical for a trucker.

117 CHAIR DUKES: But somehow they are managing now.

119 MEREDITH: This bill simplifies the existing statute and it doesn't add any overall gross weight.
-We do support SB 71.
-Discusses load distribution.

128 SEN. MCCOY: Is there a difference in composition of the highways in different states or do they operate more uniform.

132 GYLLENSKOG: Different states do build their highways to different specifications. The base under the surface is the critical aspect, but I'm not an expert.

142 SEN. MCCOY: Discusses highway composition in regards to extra weight.

153 CHAIR DUKES: How many trucks are we affecting with this?

156 MEREDITH: I believe that it would be chip trucks and flatbeds. It might comprise about 40%.

160 SEN. SMITH: Could you please explain the reason for the change in the definition of tandem axles?

164 GYLLENSKOG: Changed in the 1985 legislature to comply with federal government.

170 SEN. SMITH: If it was a serious enough problem in 1985, and the trucks still exist today than why is the problem now?

176 GYLLENSKOG: The problem that existed was that our change would have taken weight away from the truck not add any.
-Refers to testimony. (EXHIBIT B)
-Discusses enforcement agencies with regard to rounding up.
-Discusses the wording of the law that is confusing.

221 CHAIR DUKES: Can you find me the statute in the bill that is confusing?

222 GYLLENSKOG: In SB 71, page 2, line 31 and also on page 3 line 44.

234 CHAIR DUKE: It also says "and except as otherwise provided in the table". Why is that confusing?

241 GYLLENSKOG: We would still have enforcement people that would continue to round it up.

244 MEREDITH: It also applies to truckers. They could be subject to fines with regard to that one part of the statute.

252 CHAIR DUKES: I have followed a lot of chip trucks. I don't think I have ever seen a chip truck that wasn't completely loaded. Adding an extra 5,000 pounds to a chip truck seems like a lot.

-Discusses the discrepancies in permit fees for chip trucks. Chip trucks do a lot of damage to the highways. Now we are being asked to let them carry more weight.

265 SEN. SMITH: I understand the confusion for the trucking industry. I don't understand the confusion for the enforcement agencies. Why did this occur in the first place? I have trouble believing that people were confused about the rounding. It is so clear.

280 GYLLENSKOG: I would be glad to research this and find out why it was done in the first place.

283 SEN. MCCOY: This has been in effect since 1985.

293 SEN. TIMMS: Consistency of law is a driving force. Why should we be different from another state. They are probably hauling that extra weight right now.

PUBLIC HEARING ON SB 191

322 DOUG GYLLENSKOG, WEIGHMASTER, STATE HIGHWAY DIVISION: We support SB 191.
-Discusses how the bill would benefit weighmasters.

364 JAMES STEVENSON, CAPTAIN, PATROL DIVISION: Submits and reviews written testimony. (EXHIBIT C)

TAPE 10, SIDE B

010 SEN. TIMMS: What about state to state reporting?

014 STEVENSON: State to state situations usually happen in more serious offenses.

027 SEN. PHILLIPS: Discusses past legislation that allowed across the border chases.

042 SEN. MCCOY: Is this legal?

045 STEVENSON: The governor's staff reviewed this and has endorsed it for submitting.
-This does go to the Judiciary after here.

052 SEN. SMITH: Do both officers have to come to court if they are involved? If so, is there a fiscal impact with this bill?

059 STEVENSON: Yes. The court administrators office said they are working on the fiscal at this time.
-Discusses probable cause.

075 SEN. SMITH: Clarifies the scenario in regards to weighmasters and potential violators in the citation action. Rather than the weighmaster having to find the officer and the violator to issue the citation, the police officer can issue the citation. Then everyone still has to go to court. I don't see how that is a benefit to anyone.

092 SEN. PHILLIPS: Is there a time frame on this type of thing?

099 STEVENSON: It could be up to six months by statute.

112 CHAIR DUKES: Did you work with Legislative Fiscal on the impact statement? (EXHIBIT E)
-Discusses the fact that state and local agencies are unable to project any impact.

129 SEN. PHILLIPS: If the bill was more narrowly defined I would be more comfortable with it.
It seems that your agency is pretty well taxed budget wise.

140 STEVENSON: Our funding does limit us quite a bit. We do still use the aircraft and the violations are observed, in which no action can be taken. It would improve our use of the aircraft and provide the Operation Lifesaver officer on a train to become implemented in the state of Oregon.

158 MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: We support this bill and anything that will increase enforcement efforts.

168 EVERETT CUTTER, OREGON RAILROAD ASSOCIATION: Submits and reviews written testimony. (EXHIBIT D)
-Discusses Operation Lifesaver.
-Supports SB 191.

195 SEN. SMITH: Given the reality of the state police budget do you think we will have enough officers to put on trains?

197 EVERETT: This is a one shot type thing. We don't have officers riding on the trains all of the time. This is a one time experimental program which generates a lot of publicity and a lot of law enforcement awareness.

210 RUSS SPENCER, OREGON STATE SHERIFF ASSOCIATION, OREGON ASSOCIATION OF CHIEFS OF POLICE: We strongly support SB 191.
-Discusses the safety issue in regards to officers alongside highways.
-Sheriff's Association is a strong proponent of Operation Lifesaver.

235 ROSS SHEPHERD, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: This bill would institute a broad expansion of police power and authority. I oppose amendments in section 1 of SB 191.
-Discusses possibility of increased litigation.

270 CHAIR DUKES: Most of the areas you touched on will be addressed by the Judiciary Committee which this bill is subsequently referred to.

275 SEN. PHILLIPS: Do you see a value in any of the aerial situations?

282 SHEPHERD: I understand it from the police point of view. I would question if the public would endorse increased aerial surveillance.

303 RUTH LARSON, COMMITTEE ADMINISTRATOR: Discusses meeting with Senator Timms and the Parks Department people.

330 SEN. TIMMS: I didn't get the whole story on the letter that our committee endorsed for the Transportation Department regarding public lands money. Public Lands money will now go to the most populated areas not necessarily to the primary highways. Is it possible to get an opinion on this from the Department of Transportation? I sure didn't get that from their presentation.

384 SEN. SMITH: I think we need to know all of the impact when it comes to things like this. Portland is not all of Oregon.
-If it pulls that money into the more populous areas and away from the rest of the state I'm not interested in supporting it.

415 SEN. TIMMS: It is public lands money. It isn't right to take the money and direct it to an area with more traffic.

438 CHAIR DUKE: Recesses hearing at 9:40 a.m.

TAPE 11, SIDE B

016 CHAIR DUKES: Reconvenes hearing at 10:00 a.m.

017 SEN. TIMMS: Discusses the policy of the state Transportation

Department. I thought the money would go to highways within public lands. I thought I got a positive answer to that questions during the last meeting on this.

032 BOB BOTHMAN & JOHN RIST, DEPT. OF TRANSPORTATION: Our Transportation Alliance of Oregon has met to talk about this issue.
-Explains the highways of national significance.
-The federal funds for significant highways is depleting.
-Discusses the criteria for selecting significant highways.

057 SEN. TIMMS: So you are moving the Access Oregon Highways in to the federal national significant highways. Which enlarges the Access Oregon Highway Program?

063 BOTHMAN: The national highway system is smaller than the Access Oregon Program. We are not allotted enough miles to get them all in.

070 SEN. SMITH: Not all of the Access Oregon Highways will be included?

072 BOTHMAN: That is correct, under the 140,000 mile limitation.
-Discusses how the group is narrowed down.
-We reported back on a federal level that those criteria were not acceptable for Oregon. We asked for all of the Access Oregon Highways to be included.
-We will endorse the 160,000 miles.

088 SEN. TIMMS: Asks about the public lands issue.

092 BOTHMAN: Discusses the formulas for the allocation of money.
-We do get a bigger chunk of money to have highways located on public lands.
-When other categories are allocated in with this bigger chunk then that is how the state's money is then divided.

107 JOHN RIST, DEPT. OF TRANSPORTATION: Our issue speaks to the federal lands highway program which is a discretionary program. We are asking that be retained in the new bill that comes out of Congress to compensate states that have roads that go through a lot of public lands.

125 SEN. TIMMS: The point is though, nationally the money is there and we are going to get a bigger percentage. We need to impact nationally that the money does not go to the populous high traffic highways. Southeastern Oregon has miles and miles of highways in public land and they may never get any of the money. I don't think the percentage should be based on the amount of traffic.

137 BOTHMAN: We could commit to work on that issue.

147 CHAIR DUKES: Oregon will get the public lands money, but it doesn't get spent on highways on public lands?

150 RIST: The current proposal that F.H.W.H. has in there formula includes a provision of 15% dedicated as a factor for those states that public lands.

162 CHAIR DUKES: So if a highway starts on public lands and ends across the state a long way from public lands that it can be spent any where on that highway?

165 BOTHMAN: I think that would be the case.
-Discusses different systems and how the money is divided up.

176 CHAIR DUKES: The money is generated because of Senator Timms district, but can spent on another district.

181 SEN. MCCOY: The Highway Department would allocate funds where needed anyway. Why would you try to get a certain percentage to be used someplace else?

187 BOTHMAN: Our state program is getting larger and the federal program is getting smaller.
-There are some restraints on how we can spend that money.

207 SEN. MCCOY: The Highway Department and our program on tourism would not permit them to completely ignore those highways.

213 SEN. TIMMS: The program has changed dramatically.
-Discusses the change in the Access Oregon Program and primary highways.

229 SEN. PHILLIPS: One solution is that we dedicate funds back to those communities.

232 SEN. SMITH: How is the decision made about how to spend the pot of money?

243 BOTHMAN: The state gets to decide that, but it isn't totally clear. We select which projects are funded through the six year program process.
-Discusses dedicated federal funds and how they can be used.

-Explains three levels of national significance.

272 SEN. TIMMS: We're looking at ten years down the road or twenty years. I think it is important that public lands monies be distributed to where those highways are on public lands not in regards to traffic.

283 BOTHMAN: We will have a chance to spend some time on this issue in Washington D.C.

294 CHAIR DUKES: It bothers us that we are getting the money because of the public lands but we aren't necessarily going to spend it there.

299 BOTHMAN: I can commit to work on that when we get back there. We haven't even seen the final words.

313 CHAIR DUKES: So if were to make a commitment to us to give those public lands a first priority I think that would help.

318 SEN. SMITH: Asks for clarification on the Access Oregon Highway Program.

332 BOTHMAN: Discusses the federal criteria set-up that establishes the national highway system.

395 SEN. TIMMS: Discusses Access Oregon in regards to tourism traffic.

TAPE 12, SIDE A

008 SEN. MCCOY: When they meet with the delegation this issue will be looked at in an overall point of view. I don't think it will be localized the way we are discussing in this meeting.

016 SEN. SMITH: I would be happy if the State of Oregon could determine which highways that run through public lands it should fund for highway projects. I'm concerned about eliminating some highways that are critical to the state and have a great deal of public land on them. Get them to give us the money and then we'll decided where to spend it.

031 CHAIR DUKES adjourns meeting at 10:40 a.m.

Submitted by:Reviewed by:

Shannon GossackRuth Larson
AssistantAdministrator

EXHIBIT LOG:

A - Doug Gyllenskog, Testimony SB 70, 5 pgs.
B - Doug Gyllenskog, Testimony SB 71, 4 pgs.
C - James Stevenson, Testimony SB 191, 6 pgs.
D - Everett Cutter, Testimony SB 191, 5 pgs.
E - Staff, Fiscal SB 191, 1 pg.