

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: SB 273, SB 224

SENATE COMMITTEE ON  
TRANSPORTATION

February 21, 1991 Hearing Room C  
8:00 a.m. Tapes 27 - 29

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

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

WITNESSES: Henry Kunowski, State Historic Preservation  
Jerry Rust, Lane Co. Commissioner  
Dave Wright, State Parks  
Scott Proctor, Cascade Resources  
Howard Dew, Cascade Resources  
Tom Lulay, Highway Department  
Don Rhodewalt, Citizen  
Tom Rogers, Citizen  
Janet Newman, Division State Lands  
Louise Bilheimer, Oregon River Council  
Paul Wilson, Sierra Club

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TAPE 27, SIDE A

008 CHAIR DUKES: Calls meeting to order at 8:09 a.m.

014 RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains contents in SB 273 folder. (EXHIBIT A, B & C)

031 CHAIR DUKES: For the record Donald Carman, Don Rhodewalt, Iva Fastelin, Katherine Carman, Wayne & Jean Howe, Aileen Howell, Helen Tamke, Donald & Margaret Christy and Alan Viewig have written to me in support of SB 273.

036 SEN. MAE YIH: Submits and reads written testimony. (EXHIBIT D)

129 CHAIR DUKES: Reviews hand-engrossed SB 273. (EXHIBIT C)

140 DON RHODEWALT, CITIZEN: Submits and reviews written testimony. (EXHIBIT

E)

Explains 273-1 amendments. (EXHIBIT B)

150 THOMAS LULAY, HIGHWAY DIVISION: Submits and reviews written testimony. (EXHIBIT F)

230 CHAIR DUKES: Is it reasonable to put state funds into a bridge that we don't inspect?

232 LULAY: We can't use the state funds on any bridge that isn't open to vehicular traffic. Highway Division money would not go into the bridges that are not open to traffic. -Discusses sources of funding for non-vehicle bridges.

243 SEN. MCCOY: Asks about the Economic Development funds.

249 SEN. PHILLIPS: Are private bridges accessible to the public? We could put public money into a bridge on private property and there is a possibility that it would not be accessible to the public.

259 LULAY: It is possible for that to happen. -Explains accessibility issue.

291 SEN. SMITH: Does your department establish administrative rules to set up the requirements of grant applications? I would like to know what the requirements are and if it includes inspections and public accessibility.

295 LULAY: They are covered by administrative rule. -Discusses the wording in the application process.

312 CHAIR DUKES: It could go into the bill as one of the requirements to get money.

317 RHODEWALT: Discusses SB 273 in regard to defining "public access".

324 SEN. YIH: The accessibility issue and the inspection issue could be defined in the contract between the bridge owner and the Transportation Department.

344 RHODEWALT: Continues explaining SB 273-1 amendments. (EXHIBIT B)

372 SEN. SMITH: Asks about wording in summary regarding "wooden truss".

390 LULAY: It should be added.

394 SEN. BROCKMAN: Why would you object to something that might help preserve the bridge forever?

409 RHODEWALT: Explains the definition of historical sites.

420 SEN. BROCKMAN: What exactly do you lose if a bridge isn't on the historical register?

429 RHODEWALT: Discusses the historic designation. -It wouldn't be a true covered bridge.

TAPE 27, SIDE A

027 SEN. YIH: Discusses federal funding in regard to historical register.

032 SEN. TIMMS: Where did the money you received for this last session go to?

035 SEN. YIH: It went to help 28 covered bridges; we have 49 in the state.

041 SEN. TIMMS: Discusses the overhead involved and what will happen in the next few years in regard to continuous funding. -Will we need to fund this forever?

059 SEN. YIH: Yes, we will need continual funding for this.  
-Discusses the federal matching funds.

068 SEN. TIMMS: We get \$350,000.00 from lottery and you get a 50% match, and then you get money from the Highway fund for bridges that carry traffic.

070 SEN. YIH: If there is no request for the Highway money then it goes back into the General fund.

073 RHODEWALT: Explains the inspection process in regard to steel beams.

087 SEN. SMITH: In section 6, of SB 273-1 amendments the amount should be \$50,000.00.

093 LULAY: There is a summary provided within my testimony on how the money has been spent from last session.

099 SEN. YIH: We could add "open to public access", on page 2 of SB 273-1 amendments. (EXHIBIT C)  
-Explains the lottery revenue received last session.

112 SEN. DUFF: Would it be possible to use regional strategy money for this?

116 SEN. YIH: If it meets the economic strategy of the region; then it is possible. SB 273 would take care of all covered bridges in the state.

129 LULAY: Continues review of written testimony. (EXHIBIT F)

188 CHAIR DUKES: Clarifies accessibility issue.

194 LULAY: Continues with written testimony. (EXHIBIT F)

228 CHAIR DUKES: So you want to take out sections 6 & 7 in SB 273 hand-engrossed. (EXHIBIT C)

239 LULAY: Removes our funds from going through the general account fund.

243 CHAIR DUKES: I would like the maximum amounts put in there somewhere.

246 SEN. SMITH: I would like language in SB 273 that says the Department of Transportation will allocate \$220,000.00 for maintenance.

254 LULAY: Explains the accounting system and how it works.

265 SEN. SMITH: If the money is not allocated for what happens to it?

280 LULAY: It can't be appropriated to another use. The limit for allocation is \$220,000.00.

280 CHAIR DUKES: I think it would be reasonable not to transfer it into the general fund.

297 LULAY: Refers to testimony. (EXHIBIT F)

300 CHAIR DUKES: Expresses concern about money getting stuck in the general fund.

308 SEN. SMITH: I would like the appropriation of \$220,000.00 each biennium; as long as the program exists. If the owners don't have the resources, but are working on getting them then I would like the money carried over to the next biennium.

322 CHAIR DUKES: If we want to be that specific we will need to have two separate accounts.

-Discusses possible ways to set up accounts.

332 LULAY: There is a concern about the local owners ability to match the money.

-We would rather see the maximum amount in legislation.

344 SEN. SMITH: Explains concerns about appropriating money.

360 SEN. YIH: I would like to see sections 6 & 7 stay in. Lets keep the money available to the local areas. The maximum should be stated in the bill.

395 SEN. MCCOY: Under SB 273 there would be two accounts.

417 SEN. SMITH: There is nothing in the bill that directs the Department of Transportation to take money from the highway fund and put it into the restoration account.

TAPE 27, SIDE B

011 LULAY: Explains intent of the SB 273-1 amendments. (EXHIBIT B)

018 SEN. DUFF: What is the annual maintenance cost of a covered bridge?

030 LULAY: Explains the cost for maintenance in regard to the size of the bridge.

033 SEN. DUFF: So the lottery funds would be used to maintain the bridges. -I am not comfortable with the account increasing. I don't see the need for the accumulation when the money is for annual maintenance.

038 CHAIR DUKES: In section 1, of the hand-engrossed SB 273, lines 15-17 states that the Department may award up to 90% of costs. That doesn't sound like maintenance. (EXHIBIT C)

050 SEN. YIH: Explains special circumstances where the language would apply.

-Maybe the word "hardship" should be defined within that language.

053 JERRY RUST, LANE COUNTY COMMISSIONER: Discusses bridges that would be lost

without money for maintenance.

-Explains interpretation of the "access" issue.

134 SCOTT PROCTOR, & HOWARD DEW, CASCADE RESOURCE: Shows video of covered bridge. Submits and reviews written testimony. (EXHIBIT G)

195 SEN. MCCOY: How much did restoration on the Weddle Bridge cost?

197 DEW: About \$70,000.00; but there were a lot of things donated and a lot of volunteer time.

202 PROCTOR: If we had to hire to have it all done it would have been well over a quarter of a million dollars.

220 SEN. TIMMS: Are there any signs at the site of the bridge that note the contributions from the Oregon state government?

224 PROCTOR: Yes there is.

228 SEN. TIMMS: Expresses the importance of recognizing where funding is coming from.

250 HENRY KUNOWSKI, GRANTS MANAGER, STATE HISTORIC PRESERVATION: During construction there is a sign up identifying the source of funding; that is in the contract.

266 TOM ROGERS, CITIZEN: Submits and reviews written testimony. (EXHIBIT H)

347 SEN. BROCKMAN: How long would it take to make the route of covered bridges by automobile?

353 ROGERS: About one hour.

PUBLIC HEARING SB 224

387 DAVE WRIGHT, STATE PARKS: Submits and reviews written testimony.(EXHIBIT I)

429 SEN. MCCOY: What is the name of the gravel operator and how long has the lease been in effect?

437 WRIGHT: Hub City Sand and Gravel company and Bob Beil is the President. The lease is good for one year, but we may try to extend it up to four years.

TAPE 27, SIDE B

027 WRIGHT: Explains the excavating process.  
-The royalty payment is .34 cents per cubic yard or a minimum of \$12,000.00 which ever is greater.

043 CHAIR DUKES: Does the Division of State Lands receive the revenue from any type of operation like this; on state owned land?

056 WRIGHT: That is correct.  
-Explains how the State Parks Department became involved in the negotiations.

060 CHAIR DUKES: Do you have sand and gravel operations on any other state park land?

063 WRIGHT: No, and we do not anticipate any. We have been approached in the past and maybe in the future that would be possible.

072 SEN. MCCOY: Asks for clarification on the negotiation process and why Parks people were involved.

078 WRIGHT: I think the main negotiation was to determine what would make a good state park and the Parks Department is the best department to do that.  
-Explains the authority aspect of the sand and gravel issue.

110 SEN. MCCOY: Technically the lease has already been let?

117 WRIGHT: That is correct.  
-Discusses current law in regard to leasing and proceeds.

121 CHAIR DUKES: Can we alter a contract after it has been signed?

123 LARSON: Explains SB 224-1 amendments and picture of Bower Rock State Park.(EXHIBIT J & K)

147 JANET NEWMAN, DIVISION OF STATE LANDS: Submits and reviews written testimony.(EXHIBIT L)

158 CHAIR DUKES: Asks about exemptions in the statute.

160 NEWMAN: Continues with written testimony.(EXHIBIT L)

208 SEN. MCCOY: Why didn't your board check all of this out with the Attorney General before this all came up?

212 NEWMAN: The legal counsel for the Parks Department feels that they will be able to receive proceeds if this statutory change is made the way they have presented SB 224 ; as amended.  
-Discusses other sources of revenue.

233 SEN. MCCOY: What is law is legal. There needs to be a determination made as to whether or not you can do this by law.

236 NEWMAN: Discusses the State Lands Divisions position on the statute.  
-Discusses the issue of Parks Surface Management responsibility and what it should include.

247 CHAIR DUKES: Is there anything in the constitution that deals with the Common School Fund?

253 NEWMAN: There is only statute that says, "minerals on state agency lands, other than Common School Fund lands will be managed by the Lands Board and go to the Common School Fund".

256 SEN. MCCOY: We should ask Legislative Counsel about this issue.

258 CHAIR DUKES: Who negotiated the dollar amount of the contract?

272 NEWMAN: Explains the process of the negotiations and who was involved.

274 SEN. TIMMS: Discusses concern about fragmenting away from the State Lands Division.

305 NEWMAN: Clarifies the management issue in regard to mineral leasing.

324 CHAIR DUKES: If we don't pass this bill will State Parks still be able to go and do their regular supervision and make sure the restoration work is correct?

331 NEWMAN: Yes, the existing lease does make provisions for monthly meetings between State Parks and the lessee.

352 CHAIR DUKES: Discusses the issue of in-kind agreements.  
-So the bottom line of the question is about the money issue.

372 LOUISE BILHEIMER, OREGON RIVERS COUNCIL: Expresses concern over language in section 2 of SB 224 in regard to scenic waterways.  
-Does this put Parks & Recreation in the business of sand and gravel operations on state scenic waterways? We have a real concern about that.

TAPE 29, SIDE A

399 PAUL WILSON, SIERRA CLUB: Submits and reviews written testimony. (EXHIBIT )

436 SEN. DUFF: In some cases the removal of sand and gravel can be beneficial.

449 WILSON: That is true. The point is that we are allowing, by this law, the Parks Division to sell sand and gravel. The Bower Rock site should be specified in SB 224.

451 CHAIR DUKES: Adjourned hearing at 10:05 a.m.

Submitted by,

Reviewed by,

Shannon Gossack, Assistant

Ruth Larson, Administrator

EXHIBIT LOG:

- A - Committee Staff, Testimony SB 273, 1 pg.
- B - Committee Staff, SB 273-1 amendments, 2 pgs.
- C - Committee Staff, Hand-Engrossed SB 273, 2 pgs.
- D - Senator Mae Yih, Testimony SB 273, 6 pgs.
- E - Don Rhodewalt, Testimony SB 273, 1 pg.
- F - Thomas, Lulay, Testimony SB 273, 6 pgs.
- G - Scott Proctor, Testimony, SB 273, 1 pg.
- H - Tom Rogers, Testimony SB 273, 4 pgs.
- I - Dave Wright, Testimony, SB 224, 3 pgs.
- J - Committee Staff, SB 224-1 amendments, 1 pg.
- K - Committee Staff, SB 224, 1 pg.
- L - Janet Newman, Testimony SB 224, 2 pgs.
- M - Paul Wilson, Testimony SB 224, 1 pg.
- N - Lauri Bluminstein, SB 273, 1 pg.
- O - William Cockrell, Testimony SB 273, 1 pg.