

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 72
PH: SB 482

SENATE COMMITTEE ON
TRANSPORTATION

February 26, 1991Hearing Room C
8:00 a.m.Tapes 30-32

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

MEMBER EXCUSED: Sen. Paul Phillips

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

WITNESSES: Senator John Brenneman
Bob Bothman, Oregon Dept. of Transportation
Dell Isham, Oregon Automobile Associations
Mike Meredith, Oregon Trucking Association
Mike Unger, Motor Vehicle Division
Jack Svadlenak, Oregon Dept. of Transportation

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TAPE 30, SIDE A

008 CHAIR DUKES: Calls meeting to order at 8:12 a.m.

010 RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains all amendments to SB 72. (EXHIBIT A, B, C, & D)

036 MIKE MEREDITH, OREGON TRUCKING ASSOCIATIONS: Explains intent of SB 72-4 amendments. (EXHIBIT D)

049 CHAIR DUKES: What will happen if we adopt SB 72-4 amendments?(EXHIBIT D)

054 MEREDITH: The Motor Vehicle Division is concerned that they may not be able to list the additional serious violation on a drivers record. I think DMV needs to clarify that issue. Unless there is a conviction in a criminal court it wouldn't show upon the person driving record.

066 CHAIR DUKES: Asks for explanation of the current procedure for taking a truck out of service.

070 MEREDITH: Discusses the procedure a weighmaster goes through when taking a truck out of service.

-Explains the difference between a citation and an infraction.

074 SEN. BROCKMAN: What happens to a truck that is put out of service?

079 MEREDITH: Towing is an option; or you could bring in a mechanic.
-Discusses the complex equipment of today.

087 SEN. TIMMS: What about a log truck? Sometimes they need to shift a load due to weather.
This would open them up to a serious traffic violation.

097 MEREDITH: You are correct.

099 SEN. TIMMS: If a load on a log truck needed to be adjusted and they had to go down the road to the equipment to do that; they could get a serious traffic infraction citation under this amendment.

104 MEREDITH: Our intent is to make sure we crack down on the people who are abusing the out of service rule.

109 SEN. TIMMS: Discusses serious traffic violations.

115 MIKE UNGER, MOTOR VEHICLE DIVISION: Explains the Federal Highway Administration definition of a serious traffic violation.

132 SEN. TIMMS: What does this do to a commercial drivers license?

135 UNGER: After two violations in a three year period the suspension is 60 days, and three violations in a three year period is a 120 day suspension.

148 CHAIR DUKES: Discusses serious traffic violations in SB 72 that are required by the federal government.

154 SEN. SMITH: Discusses weight violation in regard to out of service loads.

167 KEN CHICHESTER, OREGON STATE POLICE: Discusses out of service criteria.

-There is an administrative rule by the weighmasters Division that can require a truck to remain at its location until it is legalized. Weight does not fall under the out of service criteria.

173 SEN. DUFF: Is the criteria in the Oregon Motor Vehicle Code?

177 CHICHESTER: The out of service criteria was developed by the Commercial Vehicle Safety Alliance.

200 UNGER: We don't have a problem with out of service being a serious traffic violation.
-Discusses concern about driving records in regard to an out of service citation.

206 CHAIR DUKES: Why can't this go on a drivers record?

210 UNGER: We aren't sure if we can put this violation on a drivers record. There are some legal things we would need to check out with the Attorney General.

230 CHAIR DUKES: You don't have the authority to do this?

232 UNGER: Not in this case. In another day or two we would know more about the legality of this issue.

254 SEN. MCCOY: The Public Utility Commission has some arguments with SB 72-4 amendments. (EXHIBIT D)

263 MEREDITH: I did work with the Public Utility Commission on SB 72-4 amendments and they do support this.

WORK SESSION SB 72

271 LARSON: The SB 72-1 amendment changes one of the serious traffic violations. In SB 72 on line 21, page 3 insert SB 72-1 language. (EXHIBIT A)
-Explains fiscal impact statement on the SB 72-1 amendments. (EXHIBIT F)

289 SEN. SMITH: The SB 72-2 amendments revert to existing law.

MOTION: Senator Timms moves to adopt SB 72-1 amendments to SB 72.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

365 UNGER: Explains the diversion program in regard to suspension.

369 CHAIR DUKES: How long would a license be suspended if a person didn't go through a diversion program?

371 UNGER: They would still get their license back at the end of one year as long as they finish a treatment program. If they don't finish a treatment program I'm not sure.

392 SEN. DUFF: So a person can go through a diversion program and get their DUI removed; so it wouldn't be on their record?

396 UNGER: That is true under current Oregon law. It is up to a court to determine the eligibility for diversion.

399 CHAIR DUKES: I know that people with a regular drivers license can avoid a DUI through that route, but your saying that a person with a commercial drivers license can too? So a person with

a commercial drivers license could be cited at least three times prior to losing their license for a lifetime?

401 UNGER: Yes that is correct.

405 SEN. SMITH: Explains intent of SB 72-2 amendment. (EXHIBIT B)

TAPE 31, SIDE A

029 SEN. BROCKMAN: I am not going to support SB 72-2 amendments. Even though I realize that after ten years the individual is going to be doing something else for a living, I don't want to rule anything out. I think we should still give a person a chance.

034 CHAIR DUKES: I have a concern about this not being a second DUI.

041 SEN. SMITH: In reading the law I didn't find that as an option. Also what is the success rate for the diversion programs? I have heard that the percentage is very low.

047 UNGER: The diversion is through the Mental Health Division.

050 SEN. TIMMS: How long has this been on the statute? I hate to see things changing all of the time. We do need some consistency in the law.

062 UNGER: Section 11 and 12 of SB 72 was part of the commercial driver license bill from the 198 9 legislative session.
-Discusses the breath test and "implied consent" in regard to suspension.

079 CHAIR DUKES: If they took the breath test and blew a .1 then went through the diversion program it would never show up as a DUI?

081 UNGER: That is correct.

086 MOTION: SENATOR SMITH MOVES SB 72-2 AMENDMENTS.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES WITH SENATORS MCCOY, DUKES, SMITH, TIMMS AND DUFF VOTING AYE AND SENATOR BROCKMAN

VOTING NAY WITH SENATOR PHILLIPS EXCUSED.

101 CHAIR DUKES: I am not going to pursue the SB 72-3 amendments.

110 CHAIR DUKES: My concern about the 72-4 amendments is that we don't know if we can make it work. That is one reason the bill probably won't move out today.

112 SEN. SMITH: Why aren't we sure it won't work?

114 UNGER: There are two ways a person could be charged with an out of service citation.
-Explains the citation process.

122 SEN. SMITH: Who decided that the Public Utility Commission could go through the hearing process to provide penalty for a driving violation?

128 UNGER: I am not sure.

135 CHICHESTER: The Public Utility Commission can take administrative action against a company.
They cannot take action against the Motor Vehicle law. That is up to the courts.

144 CHAIR DUKES: It is my intent to bring this back on Thursday.

147 SEN. BROCKMAN: What is the stumbling block here; is it the out of service issue?

153 UNGER: We aren't sure if this violation would be able to go on a drivers record.

167 CHAIR DUKES: Could you go over the discretionary and mandatory requirements.

177 UNGER: Explains testimony regarding discretionary and mandatory requirements. (EXHIBIT G)

220 CHAIR DUKES: If the DUII process changed would that effect the temporary driver permit?

236 UNGER: You may have to change ORS 813.215 which deals with diversion.
I am not absolutely sure.

250 CHAIR DUKES: Asks about ORS 807.320 regarding temporary permits.

257 UNGER: Continues with written testimony. (EXHIBIT G)

289 SEN. TIMMS: Wouldn't section 10 be mandatory under current federal law? (EXHIBIT G)

296 UNGER: Explains the current suspension action.

PUBLIC HEARING SB 482

353 ROBERT BOTHMAN, OREGON DEPARTMENT OF TRANSPORTATION: Submits and reviews written testimony. (EXHIBIT H)
-We aren't promoting tolling at this point in time, only that we have the flexibility to consider tolling.
-There is also no intent to circumvent land use provisions by going through the private sector.

TAPE 30, SIDE B

010 SENATOR JOHN BRENNEMAN: Explains SB 482 and the intent.
-By-passes are going to be needed in the future.
-Discusses the Aquarium in Newport.
-Transportation needs along the coast can not be dealt with on gas tax money alone.
-Discusses Section 1 of SB 482.

070 SEN. SMITH: How would the rates for a toll road be set? In section 2, subsection 5 of SB 482 it says that the Department would set the rate for a toll road; after hearing. It seems like a toll

road would be like a utility in that there aren't a lot of options for the public.

080 BOTHMAN: We would go through administrative rules to set the rates. It would probably be based on the cost of the project.

092 SEN. SMITH: Do you think the department has the expertise?

096 BOTHMAN: No we don't. What we would do is set up some sort of committee.

098 SEN. MCCOY: Discusses where some logical places might be for a toll road.

108 SEN. BRENNEMAN: Discusses probable areas in Oregon that might be able to support a toll road.

126 SEN. MCCOY: Couldn't the department turn SB 482 into a feasibility study.

130 SEN. BRENNEMAN: I would prefer to pass the bill as it is; so we can get the guidelines in place.

138 SEN. TIMMS: Where are we in regards to the traffic to support toll roads in Oregon?

146 BOTHMAN: My personal observation would be in urban areas or in the Willamette valley. A feasibility study would automatically come out of something like this.

159 SEN. TIMMS: This legislation just sets up the possibility to set up a toll road.

165 SEN. BRENNEMAN: Discusses a western by-pass in Oregon.
-Discusses the intent of SB 482.

189 SEN. TIMMS: As soon as you start saying your going to use part of the state money in one area; other areas of the state get upset.

199 BOTHMAN: Discusses the shift in federal regulations regarding toll roads.

214 SEN. DUFF: What would be the financing cycle or pay back time for a toll highway and what would the toll fee be?

223 JACK SVADLENAK, OREGON DEPARTMENT OF TRANSPORTATION: Discusses what other toll roads around the nation are charging.
-The Astoria bridge was completed in 1964 or 1966 and the bonds were scheduled to be paid off in 1994.

240 SEN. DUFF: Does the toll remain the same during the maintenance phase?

244 BOTHMAN: That is a different situation.
-Discusses toll authority used back east.

254 CHAIR DUKES: We could set up a section of ODOT that just handles toll roads from concept to implementation.

270 SEN. SMITH: I feel strongly both ways on this issue.
-Discusses concerns about urban areas in regard to mass transportation.
-I think toll roads are like a utility and the public is at the mercy of the department.

308 BOTHMAN: We haven't looked into the rate setting issue at all. The toll road is one of the best transportation pricing mechanisms that we have. It really assigns the cost to the facility.

329 SEN. SMITH: I don't think toll roads are a deterrent to the way we travel today.
I don't want to make it easier to build roads, but make alternatives to building roads easier.

340 SEN. BRENNEMAN: Discusses other transit alternatives.

TAPE 31, SIDE B

017 SEN. TIMMS: If there were a toll road to the coast I would probably go more often.

-I think a toll road would be good for tourism.

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

108 SEN. SMITH: What alternatives would you offer the people on the coast.

116 ISHAM: As a resident of Lincoln City I am very aware of the problems.

-Discusses the Pacific Parkway Program.

-Explains ways to reduce congestion in the coastal area.

-We are not opposed to a modest gasoline tax increase.

160 CHAIR DUKES: Discusses by-passes in process on the Oregon coast.

-I am interested in a coastal by-pass.

176 SEN. SMITH: Discusses money and the issue of toll roads.

188 CHAIR DUKES: The twenty year plan is a land use problem.

196 SEN. TIMMS: I think we are missing the whole point. I think the more adaptable place for toll roads would be in the cities.

204 ISHAM: We at a national level oppose toll roads, but recognizes that toll roads are inevitable in some areas of the nation.

213 SEN. TIMMS: As the population continues to grow we are going to need some alternatives; mass transit is an option along with the toll road option.

-I don't think toll roads are a good option for the coast.

248 ISHAM: There are many cities that would like to have a by-pass.

251 SEN. MCCOY: Discusses the toll roads on the east coast.

-Discusses the rail system in regard to the coastal area.

266 MIKE MEREDITH, OREGON TRUCKING ASSOCIATIONS: Submits and reviews written testimony. (EXHIBIT J)

391 SEN. SMITH: What is the alternative in congested areas if we don't have toll roads in place to alleviate this problem? Would the Oregon Trucking Association be opposed to an increased highway use tax to raise funds for these programs?

410 MEREDITH: I am not sure what our position is on the funding issue.

-Discusses alternative ways to get commuters out of their cars.

428 SEN. TIMMS: Are the states you outlined in your testimony state coordinated? SB 482 relates to complete oversight by the Department of Transportation. I think that is an advantage.

TAPE 32, SIDE A

020 MEREDITH: I am concerned that motorists would be taxed double. They would have to pay the fuel and weight-mile tax, plus the toll.

027 SEN. TIMMS: You don't have to drive on a toll road if you don't want to.

039 SEN. DUFF: Discusses the double taxation issue.

-The Federal Highway Proposal changes the system in which funds will be provided based on population rather than miles travelled.

Recesses at 10:07

Reconvenes at 10:08

054 SEN. BRENNEMAN: I want to clear the record on a statement Dell Isham made in a statement that I had proposed to the Parkway Project in Lincoln City. I testified at the hearing and told them that the decision was a local problem and that they should decide. I neither testified for or against that project.

062 CHAIR DUKES: Adjourns hearing at 10:19 a.m.

Submitted by,

Reviewed by,

Shannon Gossack
Assistant

Ruth Larson
Administrator

EXHIBIT LOG:

- A - Staff, SB 72-1 amendments, 1 pg.
- B - Staff, SB 72-2 amendments, 1 pg.
- C - Staff, SB 72-3 amendments, 1 pg.
- D - Staff, SB 72-4 amendments, 1 pg.
- E - Staff, SB 72-2 Fiscal, 1 pg.
- F - Staff, SB 72-1 Fiscal, 1 pg.
- G - Mike Unger, Testimony SB 72, 4pgs.
- H - Bob Bothman, Testimony SB 482, 2 pgs.
- I - Dell Isham, Testimony SB 482, 2 pgs.
- J - Mike Meredith, Testimony SB 482, 3 pgs.
- K - Staff, SB 482 Fiscal, 1 pg.