

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 249
WS: SB 243
WS: SB 271
PH: SB 663

SENATE COMMITTEE ON
TRANSPORTATION

March 14, 1991Hearing Room C
8:00 a.m.Tapes 42 - 44

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: Paul Meyerhoff, Aeronautics Division
Malcolm Buffum, Experimental Aircraft Assoc.
Doug Gyllenskog, Oregon Highway Division
Duane Stark, Stark Trucking
Maura Roche, Automobile Club of Oregon
Ginger Leach, Oregon Trucking Association
Ken Celorie, Celorie Dump Truck Association
Steve Johnston, Weighmaster

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TAPE 42, SIDE A

008 CHAIR DUKES: Calls meeting to order at 8:15 a.m.

PUBLIC HEARING SB 249

018 PAUL MEYERHOFF, AERONAUTICS DIVISION: Submits and reviews written testimony. (EXHIBIT A)

134 SEN. MCCOY: Does the federal government maintain a communication system?

138 MEYERHOFF: Discusses the flight service station system and the national weather service. The federal government is abandoning those systems.
-Explains locations which have been closed by the federal government.

150 SEN. MCCOY: What would be the cost if you were to take over these systems from the federal government?

159 MEYERHOFF: Discusses automated weather stations.

169 SEN. BROCKMAN: Discusses language concerning registration on line 15 of SB 249.

177 MEYERHOFF: Explains the language concerning registration and how it would impact current registration fees.

185 MEYERHOFF: I wouldn't oppose deleting the \$6.00 and \$12.00 dollar figures if it is going to create confusion.

193 MALCOLM BUFFUM, SPORT AIRCRAFT ASSOCIATION: Submits and reviews written testimony. (EXHIBIT B)
-Explains which types of people he is representing.

-Oregon has a very rich antique airplane history.
-We don't want to be over burdened with tax and fees.

279 SEN. MCCOY: Are you objecting to the fee?

283 BUFFUM: The fee should not only not be increased but it should be dropped.
-Explains that the FAA has a state list of licensed pilots that have an address in Oregon.
-Discusses the federal contract with the state of Oregon regarding search and rescue.

330 SEN. SMITH: Are there a lot of other people that could handle search and rescue? What about the coordination of a rescue?

338 BUFFUM: You can coordinate from the ground. I would like to see the whole process restructured.

360 CHAIR DUKES: The state still requires that I have a registered vehicle and a license to go for a Sunday drive.

378 BUFFUM: But you don't have a federal license?

380 CHAIR DUKES: We do have programs at the state level. The federal government can't do it all and do it right.

393 BUFFUM: The federal government sets the rules and regulations on how a commercial airplane is built and maintained. That is why the federal government has the registration.

414 SEN. MCCOY: Are you registered with the state?

418 BUFFUM: I am registered with the state.

423 SEN. MCCOY: So your people oppose this increase?

437 BUFFUM: I don't want you to think I have talked to each member.
-Explains the Associations position.

TAPE 43, SIDE A

023 SEN. TIMMS: What is the cost of putting together the registration fee?

025 MEYERHOFF: Explains the administrative cost of putting together the bill.

038 MEYERHOFF: We do about 10,000 licenses a year. Its a break even deal.
-Explains the data processing involved.

054 SEN. TIMMS: Is the \$4.00 dollars eaten up with administrative costs?

067 CHAIR DUKES: The bill starts out at \$8.00 dollars and goes up to \$16.00 dollars.

073 MEYERHOFF: The intent is to go to \$8.00 dollars a year. In 1992 it would still be \$6.00 to \$8.00 dollars. The Aeronautics Division has been very sensitive to opposition. The fee hasn't been raised for 16 years.

089 SEN. MCCOY: Does this create a hardship on the pilots you represent?

093 BUFFUM: It is not a particular hardship. Every one of these fees, gas tax and registration. The cost of keeping in the air gets more and more expensive.

100 CHAIR DUKES: What does an airplane kit cost?

103 BUFFUM: Explains the average cost of an airiplane kit. That doesn't include a radio or an engine. There are some kits that are \$3,000.00.

116 SEN. MCCOY: I didn't realize that these planes could cost as little as \$3,000.00

123 BUFFUM: The aircraft in the air flying average around \$20,000.00 dollars. There are very few of the expensive ones in the air.

WORK SESSION SB 249

138 SEN. BROCKMAN: Asks about fee increases and when they become effective.

145 CHAIR DUKES: There was also discussion suggesting that the proposed fee scale just go up right away.

149 SEN. BROCKMAN: They said it would effect their paperwork load if it were done in two separate increments.

150 MOTION: SENATOR TIMMS MOVES TO DELETE SECTION 3, OF SB 249.

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

MOTION: SENATOR TIMMS MOVES SB 249, AS AMENDED, TO THE WAYS AND MEANS COMMITTEE.

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

WORK SESSION SB 243

205 CHAIR DUKES: Submits testimony of Mr. Boone.(EXHIBIT C)

208 SEN. PHILLIPS: There is a suggestion in the letter to amend the bill. Have you had a chance to address that?

214 MEYERHOFF: Discusses concerns about the Aeronautics Division using the extra fees for other purposes, not those purposes described as needed.

225 SEN. PHILLIPS: It seems like a logical connection for everyone to be comfortable with this.

230 MEYERHOFF: In the past the Division has asked for increases and not really been able to explain in detail what it has been used for.

236 SEN. PHILLIPS: On page 2, of the testimony; there is specific language even though it isn't in legislative form.(EXHIBIT C)

254 MEYERHOFF: Submits and reviews SB 243-4 amendments which address Mr. Boone's concern.
(EXHIBIT D)

-There is a problem with the language drafted by Legislative Counsel with regard to the Civil Air Patrol.

268 SEN. MCCOY: Does the OPA think you should use this money toward maintenance and construction? Do you have any other source so that you can accomplish these things?

271 MEYERHOFF: No we don't. Eventually we would get to that, but it depends on the funds.

274 LARSON: Explains SB 243-2 amendments. (EXHIBIT E)

288 MOTION: SENATOR MCCOY MOVES SB 243-2 AMENDMENTS TO SB 243.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

298 MEYERHOFF: Explains SB 243-3 amendments.(EXHIBIT F)

300 CHAIR DUKES: Did we satisfy the ultralight pilots?

325 MEYERHOFF: Submits written testimony.(EXHIBIT G)
-Discusses the poll that the Aeronautics Division did.
-Explains who is opposed to the single registration schedule.

377 CHAIR DUKES: Concerned about measure 5 and how it will affect the issue of property taxes in regard to aircraft registration.

392 MEYERHOFF: That is also a concern of the Attorney General.

390 CHAIR DUKES: This would still have a reduced fee because of age.

TAPE 42, SIDE B

013 SEN. SMITH: I would prefer not to differentiate because of age of aircraft.

018 MOTION: SENATOR SMITH MOVES SB 243-3 AMENDMENTS, AS DRAFTED.

024 SEN. DUFF: Would that mean there is no differentiation between older aircraft? How would you treat them if there were manufactured without a date?

028 MEYERHOFF: We are suggesting that they be included in the category listed on page 4, lines 9, 10, 11 and 12 of SB 243.

032 SEN. PHILLIPS: Do the SB 243-3 amendments address Mr. Boone's concern regarding fee increases and categories? (EXHIBIT C)

034 MEYERHOFF: Yes they do.

035 VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

TAPE 42, SIDE B

041 MOTION: SENATOR PHILLIPS MOVES TO CONCEPTUALLY AMEND SB 243-4 AMENDMENTS TO DELETE THE WORDS; "CIVIL AIR PATROL", ON LINE 18 AND INSERT; "AIR SEARCH AND RESCUE".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

054 MOTION: SENATOR MCCOY MOVES SB 243, AS AMENDED, TO THE WAYS AND MEANS COMMITTEE.

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

WORK SESSION SB 271

064 MOTION: SENATOR SMITH MOVES SB 271, TO THE FLOOR, WITH A "DO PASS" RECOMMENDATION.

067 LARSON: Reviews SB 271-1 amendments and SB 271-3 amendments. (EXHIBITS H & I)

071 SEN. PHILLIPS: Does the law define what a splash and spray suppressant device is?

080 STEVE JOHNSTON, WEIGHMASTER: Yes there is an ongoing definition that has to be met.

088 SEN. TIMMS: This bill would require the insurance companies to give a reduction to those with these devices with the reduction being determined by the Oregon Department of Insurance and Finance.

092 SEN. MCCOY: What would this bill mean fiscally?

094 CHAIR DUKES: The Department of Insurance and Finance does not expect it to be much.

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

PUBLIC HEARING SB 663

125 SENATOR DUKES: Reviews intent of SB 663.
-If your load is more than 6" below the top of the bed of the truck than your load does not need to be covered.

185 DOUG GYLLENSKOG, WEIGHMASTER: Submits and reviews written testimony. (EXHIBIT J)

210 SEN. SMITH: Discusses loads in regard to the peak in the middle of the load.

225 GYLLENSKOG: This particular bill would not affect that issue, but the existing leaking load law would.

230 SEN. SMITH: Assuming you see it happening.

233 GYLLENSKOG: The only way to totally fix this is to have all trucks or loads to be covered.

240 CHAIR DUKES: Your concern about the peak in the middle of a load could be addressed by adding language that says you couldn't have it at any point in the load.

246 SEN. PHILLIPS: Discusses sidewalls on trucks.

263 GINGER LEACH, OREGON TRUCKING ASSOCIATION: Submits and reviews written testimony. (EXHIBIT K)

308 DUANE STARK, STARK TRUCKING: Discusses what types of material he hauls.
-Expresses a concern about safety and cost of covering a load.
-Explains that Washington state has a regulated rate law.

340 SEN. SMITH: Would you like regulated rates for sand and gravel?

345 STARK: Yes we would.
-Discusses the effectiveness of covering a load.

-Explains concern about overloading in regard to competition.

365 CHAIR DUKES: What is the weight limitations of trucks?

368 STARK: Explains weight in regard to trucks size.

373 CHAIR DUKES: Since a person would cross the scale they would be caught.

378 STARK: Probably 90% of our loads don't cross the scale.

382 SEN. SMITH: Why would the side boards be increased?

389 STARK: Explains why the sides would be increased.

404 SEN. SMITH: What does a windshield cost?

411 SEN. MCCOY: About \$300.00 dollars.

416 LEACH: Discusses Washington State in regard to overloading.

TAPE 43, SIDE B

016 STARK: I think overloading would be difficult to enforce.

-Many times we haul up to 100 loads a day.

-Discusses the cost of complying to this new law.

-This won't ensure that there won't be rocks falling off.

040 CHAIR DUKES: How would it be devastating to a business?

043 STARK: We don't have a rate regulation which would be hard to pass this cost on.

047 CHAIR DUKES: This would be industry wide. You don't have to go across the scales for a police officer to see this.

061 STARK: There are a number of laws presently that aren't enforced equally.

066 SEN. DUFF: Discusses the recovery of expenses.

070 SEN. SMITH: There is no one I can pass the cost of my windshield on to.

088 LEACH: Discusses the concerns of tarping a load.

100 SEN. MCCOY: You don't know when you drop something.

111 KEN CELORIE, CELORIE DUMP TRUCKING INCORPORATED: Everybody doesn't do the same thing.

-Discusses the issue of safety.

118 SEN. SMITH: There are people who intentionally violate the law?

-Discusses the issue of action against violators.

138 CELORIE: Discusses the types of loads he hauls.

163 CHAIR DUKES: I don't think this bill includes tree stumps.

169 SEN. BROCKMAN: Discusses recourse against a person who dumps a rock.

177 LEACH: Discusses the issue of liability in regard to rocks falling off of loads.

184 STARK: I don't think that if it hits the ground it changes the status of who is liable.

-Legitimate dump truckers support current safety laws.

209 SEN. MCCOY: Would this put a financial burden on your company?

224 STARK: Discusses cost per yard in regard to hauling.

-Clarifies why a load is dumped with a peak in the middle of the load.

258 SEN. DUFF: All materials have a slope that is measurable.

263 CELORIE: We rebuilt three tailgates to try and prevent this problem. A law is only as good as it is enforced.

280 SEN. MCCOY: Some people will take the chance and break the law.

291 MAURA ROCHE, AUTOMOBILE CLUB OF OREGON: Submits and reviews written testimony. (EXHIBIT L)

319 SEN. TIMMS: In many cases the problems I have had is the rock that is already on the highway.

-Are there any statistics or figures on that issue?

340 ROCHE: I don't know of any.

344 STEVE JOHNSTON, WEIGHMASTERS: Discusses the issue of liability in regard to rocks falling from loads.

-Explains how a claim is determined and paid.

362 SEN. SMITH: What is required for a claim to be paid?

367 JOHNSTON: Burden of proof is on the person making the claim. It is really based on the credibility of the person making the claim.
-Discusses competition in regard to overloads.

401 SEN. TIMMS: Does the Department of Transportation cover loads?

407 JOHNSTON: We do require that the Department of Transportation obey the law. They don't have the right to break up the roads any more than anyone else.

434 SEN. DUFF: Is it a violation if a truck tailgate leaks and rocks fall out?

440 JOHNSTON: It would be a leaking load.

TAPE 44, SIDE A

033 JOHNSTON: Explains what currently happens in regard to leaking rocks.

035 SEN. DUFF: It seems that most of the rocks falling come from the tailgate. What are we doing about that issue?

037 JOHNSTON: Discusses current practice in regard to issuing citations for leaking loads.

037 SEN. MCCOY: How much is the fine for being overweight?

045 JOHNSTON: Discusses fines in regard to citations.

054 SEN. SMITH: Is it accurate that 90% of sand and gravel loads don't cross over scales?

056 JOHNSTON: You don't usually haul rock from Salem to Portland.

065 SEN. SMITH: Are the weighmasters out of the enforcement picture in terms of sand and gravel?

069 JOHNSTON: Yes. Most of our people are in one spot.

073 SEN. TIMMS: Is this bill strictly for the weighmasters?

077 JOHNSTON: Anything a weighmaster can cite a police officer can cite.

080 CHAIR DUKES: Adjourns meeting at 10:00 a.m.

Submitted by, Reviewed by,

Shannon GossackRuth Larson
AssistantAdministrator

EXHIBIT LOG:

A - Paul Meyerhoff, Testimony SB 249, 7pgs.
B - Malcolm Buffum, Testimony SB 249, 1 pg.
C - Staff, Testimony, Mr. Boone, SB 243, 3 pgs.
D - Paul Meyerhoff, SB 243-4 amendments, 1 pg.
E - Paul Meyerhoff, SB 243-2 amendment, 1 pg.
F - Paul Meyerhoff, SB 243-3 amendment, 1 pg.
G - Paul Meyerhoff, Testimony SB 243, 9 pgs.
H - Steve Johnston, SB 271-1 amendments, 1 pg.
I - Steve Johnston, SB 271-3 amendments, 1 pg.
J - Doug Gyllenskog, Testimony SB 663, 2 pgs.
K - Ginger Leach, Testimony SB 663, 1 pg.
L - Maura Roche, Testimony SB 663, 1 pg.