

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 1096
SB 1064, SB 1167
& SB 920.

SENATE COMMITTEE ON
TRANSPORTATION

April 16, 1991Hearing Room C
8:00 a.m.Tapes 65 & 66

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

MEMBER EXCUSED: Sen. Tricia Smith

STAFF PRESENT: Ruth Larson, Committee Administrator
Scott Marshall, Committee Assistant

WITNESSES: Randy Franke, Marion County
Bob Cannon, Marion County
Gary Eide, Manager, City of Salem
Mike Propes, Commissioner, Polk County
Harry Garret, Oregon Bicyclist Safety Commission
Ken Loftus, Oregon Bicyclist Safety Commission
Pam Hodge, Staff, Senator Cohen
Walt McAllister, Oregon Traffic Safety Commission
Senator Eugene Timms
Paul Henry, Public Utility Commission
Tony Federici, Port of St. Helens
Ken Armstrong, Port of St. Helens
Dave Harlan, Port of Astoria
George Richardson, NW Natural Gas

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TAPE 64, SIDE A

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

012 RUTH LARSON, COMMITTEE ADMINISTRATOR: Reviews agenda and which bills may have a fiscal impact.

020 TONY FEDERICI, PORT OF ST. HELENS: Submits and reviews written testimony.(EXHIBIT A)

055 DAVE HARLAN, PORT OF ASTORIA: Submits and reviews written testimony.(EXHIBIT B)

125 KEN ARMSTRONG, PORT OF ST. HELENS: Discusses the fiscal impact of SB 109 6.

145 SEN. TIMMS: Asks about the environmental impact of a pipeline.

174 ARMSTRONG: The most direct impact would be the slop from the ship.
-Explains the management of the pipeline.
-Discusses the level of authority the Ports are asking for.

180 HARLAN: We are hoping to construct facilities and then lease them to a private operator.

183 SEN. MCCOY: Who will manage the slop containers?

186 HARLAN: It would be operated by a private operator who would be subject to all state and federal regulatory authority.

193 CHAIR DUKES: Can you do this without the law changed?

196 SEN. MCCOY: Slop facilities can be dangerous and can harm the environment.

205 HARLAN: I am not aware of how it is handled on the river currently.

212 FEDERICI: I would assume that the authorization for the pipeline must come first and this is a more general authority.
-Discusses the treatment of slop.

223 GEORGE RICHARDSON, NW NATURAL GAS: We are opposed to SB 1096 in the original form.
-Explains SB 1096-2 amendments. (EXHIBIT C)

249 SEN. DUFF: Does this change the authority of a Port in regard to operating a gas pipeline?

253 RICHARDSON: A port does not have that authority now. This specifically prohibits them from operating natural gas pipelines.

258 SEN. DUFF: Discusses other legislation relating to this issue.

276 RICHARDSON: Refers to ORS 778.025 relating to Ports.

290 SEN. DUFF: Currently Ports are unregulated in the area of natural gas pipelines.

300 AL JASSO, PUBLIC UTILITY COMMISSION: Explains current legislation in regard to Ports and natural gas pipelines.

322 SEN. DUFF: Would this restrict a Port if they wanted to operate a pipeline?

325 JOE BARTOWSKI, LEGISLATIVE COUNSEL: SB 1096-2 amendments pertain only to section 2 of SB 1096.

353 CHAIR DUKES: Generally speaking would SB 1096-2 amendments limit the Ports control of natural gas pipelines?

359 BARTOWSKI: Explains intent of SB 1096.

377 SEN. DUFF: If the Port is currently not regulated would this bill change their ability? I don't think a Port is specifically prohibited from operating a pipeline.

387 BARTOWSKI: Explains the Ports in regard to general rule.
-Discussion on SB 1096-2 amendments, section 2 which deals with the operation of pipelines.

407 CHAIR DUKES: Refers to written testimony of James P. Shannon. (EXHIBIT D)

423 RICHARDSON: Discusses SB 996 which deals with the Port of Morrow operating an electric generating facility.

TAPE 65, SIDE A

020 RICHARDSON: Discusses SB 996 in regard to amendments.

057 CHAIR DUKES: Would you agree to let SB 1096 pass as is and then we could

amend SB 996?

058 RICHARDSON: I would not support 1096 if there were no amendments.

070 SEN. DUFF: Once we meet on the other piece of legislation then we could move it rather quickly.

079 RICHARDSON: I have talked to our legislative counsel and we will have an answer soon.

PUBLIC HEARING ON SB 1064

110 SENATOR TIMMS: Explains the intent of SB 1064 and why he introduced it.

130 SEN. MCCOY: Doesn't Senator Cease have a similar bill?

155 SEN. MCCOY: What is the decision of the Oregon delegation on this issue?

145 PAUL HENRY, PUBLIC UTILITY COMMISSION: Supports suggestion made by Senator Timms.

-Discusses the need for a statewide hazardous material routing system study.

-There may be federal money available for this.

-Recommends reporting back to the interim committee.

250 CHAIR DUKES: What would be involved in the study? What will it cost?

252 HENRY: There will be other agency involvement.

-Explains criteria or types of information that would be determined by the study.

264 CHAIR DUKES: Does PUC have the expertise to do this? Would there be a consultant hired?

274 HENRY: The skill is available within our state. It may be better to go outside of the state.

291 CHAIR DUKES: I wasn't suggesting you hire outside help.

-Discusses other departments that have done work in this area.

300 HENRY: This is a large undertaking.

-Discusses utilizing existing resources.

325 SEN. TIMMS: I think it is timely to do something about this.

348 HENRY: Explains who would be affected by this issue in regard to neighboring states and agencies.

359 SEN. MCCOY: Did you think they might have other means of transporting materials? Instead of just highways could we look at other modes of transportation.

389 SEN. DUFF: Discusses recent spill in Eastern Oregon.

PUBLIC HEARING ON 1167

400 PAM HODGE, SENATOR COHEN, STAFF: Submits and reviews written testimony. (EXHIBIT E)

TAPE 65, SIDE B

022 CHAIR DUKES: Do you know how many of those accidents were because the car couldn't see them?

026 HARRY GARRET, OREGON BICYCLIST SAFETY COMMITTEE: Explains safety problems with the visibility of bicycles.

053 CHAIR DUKES: Is the problem related to nighttime?

055 GARRET: Yes that is correct.

-Reviews statistics received from DMV in regards to accidents.

065 CHAIR DUKES: Can you break down the causes?

067 GARRET: The statistics we have are that seven percent of the 781 accidents were in the evening and three out of 15 were fatal. There are fewer riders at night.

085 SEN. MCCOY: Have you ever had an accident?

087 GARRET: No I haven't.

098 HODGE: Explains SB 1167-1 amendments. (EXHIBIT F)

115 DAN LOFTUS, CITIZEN: Discusses personal experience with riding a bicycle.

128 SEN. MCCOY: Why are there so many bike riders in Yamhill County?

131 GARRET: I'm not sure.

136 SEN. BROCKMAN: What is your business?

139 GARRET: I work for Tigard Cycle and Ski.

141 BROCKMAN: So everyone that has a bike right now needs to go out and get a light? How far can you see the small reflector?

148 GARRET: You have to be right on top of the bike to see the reflector. This would be in addition to a red reflector.

161 CHAIR DUKES: If you only rode during the day would you need the additional light?

165 GARRET: Yes. It costs about \$3.00 to install this.
-Explains other types of set-ups for a lighting device and the cost involved.

183 SEN. MCCOY: I see an opportunity for some economic development. Maybe we should license bicycles or register them.

192 CHAIR DUKES: This is a Class D traffic infraction. Who would be ticketed?

198 GARRET: Explains the cost of a Class D traffic infraction.
-The parents usually get cited.

221 KEN CHICESTER, OREGON STATE POLICE: Discussion regarding lines 15 through 17 of SB 1167 which refers to who would be cited. That language is defined in statute.
-Addresses the issue of ticketing parents.

256 SEN. DUFF: This is an opportunity to pay attention to bike riders?

261 CHICESTER: Most bike riders are concentrated within city limits. City police officers would be more likely to see most of this.

279 WALT MCALLISTER, OREGON TRAFFIC SAFETY COMMISSION: Submits and reviews written testimony. (EXHIBIT G)

299 CHAIR DUKES: Asks about statistics regarding accidents at night.

307 MCALLISTER: Explains the statistics he has presented and where they came from.

329 CHAIR DUKES: Discusses the difference in the numbers of bicyclists.

WORK SESSION ON SB 1167

MOTION: SENATOR MCCOY MOVES SB 1167-1 AMENDMENTS TO SB 1167.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SENATOR MCCOY MOVES SB 1167, AS AMENDED, TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

364 SEN. BROCKMAN: I am a little concerned about the cost involved.

376 SEN. MCCOY: I would gladly pay \$20.00 for a light to help prevent my child from being hit by a car.

383 SEN. BROCKMAN: I agree with you, but delivering papers at 5:00 a.m. is

under limited
visibility.

388 CHAIR DUKES: I share some of those concerns, but this is a safety
feature.

396 SEN. BROCKMAN: Is there a statutory definition of a lighting device?
Bicycles are more
fragile than cars. The numbers on here for visibility are high.

417 CHAIR DUKES: There is a definition of a lighting device which exist in
other parts of statute,
and there are devices that will meet the 600 foot requirement.

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

PUBLIC HEARING ON SB 920

453 RANDALL FRANKE, MARION COUNTY BOARD OF COMMISSIONERS: Submits and
reviews written testimony. (EXHIBIT H)

TAPE 65, SIDE B

050 MIKE PROPES, POLK COUNTY COMMISSIONERS: Explains how the counties are
tied
together.
-Discusses the importance of SB 920.

081 FRANKE: All of the attorneys agree that this is necessary.

085 BOB CANNON, MARION COUNTY LEGAL COUNSEL: This simply provides that the
counties and cities can enter into an agreement to provide for the
distribution of funds as the local
governments see fit.

091 SEN. TIMMS: What impact would there be on road districts?

096 CANNON: It does not have an impact on road districts, unless those road
districts are operated
by the county government as a county service district.

100 SEN. TIMMS: They can be operated separate from county government.

104 GARY EIDE, CITY MANAGER, SALEM: This has caused us a problem because we
are in
two counties.
-Discusses the potential for a regional vehicles fuel tax and how that is
related to SB 920.

114 CHAIR DUKES: The money would go into one pot to be spent.

WORK SESSION ON SB 920

MOTION: SENATOR MCCOY MOVES SB 920 TO THE FLOOR WITH A "DO PASS"
RECOMMENDATION.

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

136 CHAIR DUKES: Adjourns hearing at 9:50 a.m.

Submitted by, Reviewed by,

Scott Marshall
Ruth Larson
Assistant Administrator

EXHIBIT LOG:

A - Tony Federici, SB 1096, 3 pgs.
B - David Harlan, SB 1096, 2 pgs.
C - George Richardson, SB 1096-2 amendments, 1 pg.
D - Staff, Testimony of James P. Shannon, SB 1096, 1 pg.
E - Staff, SB 1167-1 amendments, 1 pg.
F - Senator Cohen, SB 1167, 2 pgs.
G - Walt McAllister, SB 1167, 1 pg.

H - Randall Franke, SB 920, 1 pg.