

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.

SENATE COMMITTEE ON
TRANSPORTATION

April 18, 1991Hearing Room C
8:00 a.m.Tapes 69 & 70

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
Scott Marshall, Committee Assistant

WITNESSES: Senator Jeannette Hamby
Vinita Howard, Citizen
Ken Chichester, Oregon State Police
Russ Spencer, Oregon State Sheriff's Association
Glen Rader, Oregon State Police
Kelly Ross, Oregon Fire Chiefs
Kathleen Gardipee, City of Eugene
Dennis Coho, Motor Vehicle Division
Ryan Dukes, Student
John Fairchild, Oregon Dept. of Education
Karen Hafner, Oregon School Board Association
Roger Frank, Citizen
Ron Eachus, Public Utility Commission
Dave Astle, Public Utility Commission

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TAPE 68, SIDE A

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

PUBLIC HEARING ON SB 513

015 RUTH LARSON, COMMITTEE ADMINISTRATOR: Reviews senate bills on the agenda.

025 SENATOR JEANNETTE HAMBY: Discusses the issue of discarded tires and explains intent of SB 513.

037 VINITA HOWARD, CITIZEN: Submits and reviews written testimony.(EXHIBIT A)

102 KEN CHICHESTER, OREGON STATE POLICE: I am here to answer any questions related to safety.

106 SEN. PHILLIPS: Off road racing would be exempt from SB 513.

112 SEN. SMITH: Why have you not been successful with legislation like this in the past?

116 HOWARD: There has never been any opposition on this issue in the past. There was maybe some concern about increasing the business of people who retread tires. We are one of a handful of states that don't have something like this.

134 SEN. HAMBY: The climate is right in regard to environment and recycling.

139 SEN. DUFF: The technology for retreading tires has improved over the years.

WORK SESSION SB 513

MOTION: SENATOR PHILLIPS MOVES SB 513 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

157 SEN. TIMMS: I am a little concerned about the quality of retreads. The main issue is recycling.

171 SEN. HAMBY: In the past tire dealers have been supportive of this. Once it wears below a certain point it cannot be retreaded.

189 SEN. TIMMS: I think one important point is the recycling issue. What about the people that don't even have insurance for their automobile?

199 SEN. HAMBY: I could think of nothing worse than an uninsured driver with bald tires.

205 SEN. HAMBY: This is not a fine there is a time frame to do something about this.

210 CHICHESTER: I can't give any statistics on tread depth. It is a contributing factor in regard to safety and vehicles.

223 SEN. BROCKMAN: How will this be enforced?

226 CHICHESTER: Describes a depth gauge.
-Discusses the issue of probable cause.

VOTE: MOTION CARRIES UNANIMOUSLY WITH SENATOR DUKES EXCUSED.
SENATOR HAMBY WILL CARRY.

PUBLIC HEARING ON SB 664

260 LARSON: Explains intent of SB 664 and submits SB 664-1 amendments. (EXHIBIT B)

276 RUSS SPENCER, OREGON STATE SHERIFF'S ASSOCIATION & THE OREGON LAW ENFORCEMENT LEGISLATIVE COMMITTEE: Explains intent of SB 664.

286 LT. GLEN RADER, OREGON STATE POLICE: Submits and reviews written testimony. (EXHIBIT C)
-Suggests deleting "during daylight hours and normal atmospheric conditions" on line 14 of SB 664 .
-We do use the lighting device during the daylight hours.

300 SEN. SMITH: Expresses concern about flashing headlights in regard to vision.

305 SPENCER: We have not had problems with using flashing headlights. We flash from low beam to high beam not on and off.

319 SEN. SMITH: Would you take the whole trip with your headlights flashing?

324 SPENCER: They would be on when the lights are on. From high beam to low beam

330 SEN. BROCKMAN: Can you shine your high beams at someone at night?

339 SPENCER: Explains what types of agencies currently use the high beam flash.

380 KELLY ROSS, OREGON FIRE CHIEFS ASSOCIATION, OREGON FIRE DISTRICT DIRECTORS ASSOCIATION & TUALATIN FIRE AND RESCUE: We support SB 664.
-Discusses current laws in regard to warning lights.
-Refers to SB 664-1 amendments.(EXHIBIT B)

410 KATHLEEN GARDIPEE, CITY OF EUGENE: Submits and reviews written testimony.(EXHIBIT D)

TAPE 69, SIDE A

010 SEN. SMITH: What is defined in 801.260?

014 GARDIPEE: Explains what is defined in the statute.

031 SEN. SMITH: Do you have vehicles that aren't emergency vehicles with more than one light?

035 GARDIPEE: I am not aware of why the City of Eugene Police Department suggested this amendment. It is mainly a housekeeping issue.

041 SEN. SMITH: Refers to ORS 801.260. Are ambulances included in any of the definitions under this statute?

045 DENNIS COHO, MOTOR VEHICLE DIVISION: Ambulances are approved through the Administration of the Motor Vehicle Division. We have no position on this bill.

048 SEN. SMITH: Can you give me an example of a vehicle, other than an emergency vehicle with two spot lights.

057 COHO: Currently it is against the law for all vehicles, emergency or otherwise.

WORK SESSION SB 664

068 MOTION: SENATOR PHILLIPS MOVES THAT ON LINE 14 PAGE 1 OF SB 664 DELETE THE WORDS "DURING DAYLIGHT HOURS AND NORMAL ATMOSPHERIC CONDITIONS".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

078 MOTION: SENATOR PHILLIPS MOVES THAT ON LINE 14, PAGE 3 OF SB 664 AFTER THE WORDS, "NO MOTOR VEHICLE", INSERT "OTHER THAN AN EMERGENCY VEHICLES AS DEFINED IN ORS 801.260".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SENATOR PHILLIPS MOVES SB 664-1 AMENDMENTS TO SB 664.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

MOTION: SENATOR PHILLIPS MOVES SB 664, AS AMENDED, TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

PUBLIC HEARING ON SB 1028

100 SENATOR JOAN DUKES: Explains intent of SB 1028.

136 RYAN DUKES, STUDENT: Explains why he thinks something should be done about overcrowding on school buses.

145 SEN. BROCKMAN: Who owns the school buses?

148 SEN. DUKES: Some are leased and some are owned.

150 SEN. BROCKMAN: If the buses are leased how could you hold the owner responsible?

154 SEN. DUKES: The owner of the school bus is the one who hires the drivers.

162 SEN. PHILLIPS: If the school district owns and hires the drivers then the blame can't be put on the driver.

-Expresses concern about the driver being in the position of making a judgement call if the bus were too full and all of the children hadn't been picked up yet.

183 SEN. DUKES: The school district's know where the children live and what the numbers on the routes are.

196 SEN. TIMMS: Do we have anyone else signed up to testify?

203 JOHN FAIRCHILD, OREGON DEPARTMENT OF EDUCATION: We support the safety of the students on school buses.

-In Oregon 67 percent of the school buses are owned or leased by school districts.

-Discusses the established numbers regarding passenger capacity.

-Suggests including an emergency clause.

280 SEN. DUFF: When there is a contract with a school bus operator or the school district is it their responsibility to pickup all of the students on the route?

297 FAIRCHILD: Discusses the contract in terms of responsibility definitions.

308 SEN. DUFF: Asks about a radio on the bus.

310 FAIRCHILD: A radio is not a requirement. Most buses I know of do not have radios.

312 SEN. SMITH: What is the purpose of the federal regulation?

316 FAIRCHILD: Explains the federal regulation in regard to accidents.

322 SEN. SMITH: Does the federal regulation affect the manufacturers of the school buses? When

a bus is purchased does the manufacturer tell you how many students that bus can hold and does the Department of Education have the authority is adopted some different rules?

346 FAIRCHILD: Explains the Department of Education in regard to rule making.

350 SEN. SMITH: Does your rule allow for more students in a seat then the manufacturer allows?

352 FAIRCHILD: Yes. As long as it provides full support of every student sitting in the seat.

355 SEN. SMITH: Isn't that a judgement call for the driver?

360 FAIRCHILD: To a certain degree. The term "fully supported" is hard to define.

367 SEN. SMITH: Do you support the bill or not?

370 FAIRCHILD: Yes we do support the bill with the concern about the children in regard to the route issue.

-Discusses the issue of potential riders versus actual riders.

393 CHAIR DUKES: The rule you referred to says, "the seat that fully supports the passenger shall be provided for every passenger on all pupil transportation vehicles, seating is not permitted on any portion of the vehicle not designed for that purpose".

-That is a requirement that falls under the supervision of the driver of the bus.

TAPE 68, SIDE B

005 FAIRCHILD: Discusses another rule in ORS 820.180.

010 SEN. PHILLIPS: On an average morning how many students are picked up?

014 FAIRCHILD: Last year the numbers transported daily was over 221,000.

017 SEN. PHILLIPS: Of those 221,000 how many accidents were caused from the bus being overcrowded?

020 FAIRCHILD: Discusses overloading and the data involved.

031 SEN. PHILLIPS: The Department of Education has no statistics at all on the overcrowding issue in regard to accidents?

035 FAIRCHILD: That is correct.

038 SEN. TIMMS: Asks for clarification regarding potential riders.

044 FAIRCHILD: Discusses the percentage of riders in relationship to specific counties.

050 SEN. TIMMS: Are older aged students harder to predict?

056 FAIRCHILD: Explains the difficulty in anticipating the number of students riding the bus.

065 SEN. TIMMS: Does this create increased costs for school districts?

068 FAIRCHILD: That is difficult to answer.

077 SEN. TIMMS: You have to be ready for the unpredictables already.

084 SEN. DUFF: It is probably that the people not complying with your administrative rule would have increased costs.

092 SEN. SMITH: If this bill passes the Department of Education's rule wouldn't be in compliance with statute. Would the Department of Education be required to repeal their rule or modify it to be in compliance?

099 FAIRCHILD: Explains how the Department of Education could conform.

112 SEN. BROCKMAN: Is a school bus like an elevator with a document that says how many it is suppose to hold?

119 FAIRCHILD: Yes they are.
-Discusses activity buses.

135 KAREN HAFNER, OREGON SCHOOL BOARDS ASSOCIATION: Expresses concerns about an emergency situation were a student is left standing on a corner because the bus is full.

150 CHAIR DUKES: I don't think there is any problem with addressing the scheduling issue.

154 SEN. SMITH: I would assume that the school district knows that when it is snowing there will probably be more kids on the bus. I think they would be able to schedule to comply with this bill.

162 CHAIR DUKES: Discusses the potential rider issue.

171 FAIRCHILD: As dollars become tighter and ridership increases we also have a number of the older buses that don't have the safety factors built into them.

186 CHAIR DUKES: I think that if we are going to put kids on a school bus we ought to do whatever we can to insure their safety.

188 SEN. TIMMS: Asks about restrictions other than state law in regard to the transportation of children?

196 FAIRCHILD: I am not aware of any additional requirements.

207 SEN. TIMMS: I would like to hear from someone directly in the business.

WORK SESSION ON SB 1028

225 SEN. SMITH: Senator Timms do you need to talk to someone before you can

vote for this?

231 SEN. TIMMS: I just don't want to increase costs for local people.

235 SEN. MCCOY: Transportation is reimbursed retroactively. Nobody is going to lose money.

237 SEN. TIMMS: It has to be passed on to someone as far as cost.

252 SEN. SMITH: I can appreciate your concern about increased costs for school districts but, my concern is that as the money gets tighter and tighter they will cut and cut things. There must be a balance between saving money and saving lives.

274 SEN. PHILLIPS: The reason we don't have anyone coming in opposing this is because they would have to say they want to overload their buses.
-Scheduling for the routes is a very difficult thing to do.
-One problem with this is the employee who has to make a judgement call regarding picking up children.
-There needs to be an emergency clause in this bill somewhere.

330 MOTION: SENATOR PHILLIPS MOVES TO CONCEPTUALLY AMEND SB 1028 AFTER THE WORD "TRANSPORT" ON LINE 10, INSERT "EXCEPT IN THE CASE OF UNUSUAL AND UNFORESEEN SITUATIONS".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SENATOR PHILLIPS MOVES SB 1028, AS AMENDED, TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES WITH SENATOR BROCKMAN EXCUSED. SENATOR DUKES WILL CARRY.

PUBLIC HEARING ON SB 981

393 ROGER FRANK, CITIZEN: Submits and reviews written testimony. (EXHIBIT E)
TAPE 69, SIDE B

092 SEN. DUFF: What is the distance between the crossings?

095 FRANK: Explains the crossing and the distances involved.

136 RON EACHUS, PUBLIC UTILITY COMMISSION: Submits and reviews written testimony. (EXHIBIT F)

275 DAVE ASTLE, PUBLIC UTILITY COMMISSION: I would be happy to answer any questions.

280 SEN. PHILLIPS: How many PUC employees are here?

282 ASTLE: There are four here.

284 SEN. DUFF: Refers to Mr. Eachus's written testimony.
-Discusses personal experience with crossings.

294 ASTLE: Discusses the Pendleton project.

316 CHAIR DUKES: Adjourns hearing at 10:00 a.m.

Submitted by, Reviewed by,

Scott Marshall
Ruth Larson
Assistant Administrator

EXHIBIT LOG:

A - Vinita Howard, SB 513, 5 pgs.
B - Staff, SB 664-1, 1 pg.
C - Glen Rader, SB 664, 1 pg.
D - Kathleen Gardipee, SB 664, 1 pg.
E - Roger Frank, SB 981, 24 pgs.
F - Ron Eachus, SB 981, 11 pgs.

G - Staff, Donald Stark, SB 981, 2 pgs.
H - " , Marvin Fjordbeck, " , 8 pgs.
I - " " , Linda Dartsch, " " , 1 pg.
J - " " , PUC, SB 981, 44 pgs.
K - " " , Bill Worcester, SB 981, 2 pgs.
L - " " , Gerald Fox, SB 981, 2 pgs.
M - " " , Bill Failing, SB 981, 1 pg.