

Senate Committee on Transportation
January 20, 1991 - Page

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 30, 1991Hearing Room C
8:00 a.m.Tapes 77 - 78

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

MEMBER EXCUSED:

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

MEASURES CONSIDERED: SB 1104 - Revises penalties for driving uninsured. SB 836 - Creates High-speed Ground Transportation Task Force. SB 763 - Requires Oregon Transportation Commission to develop plan for railroad service. SB 970 - Requires ATV instructors to have plates for use on class vehicles. SB 559 - Prohibits Motor Vehicle Division from releasing information.

WITNESS LIST:

Bob Bothman, Oregon Department of Transportation
Mark Ford, Oregon Department of Transportation
John Savage, Department of Energy
Joe Thomas, ATV Association
Joan Plank, Department of Motor Vehicles
Jeannie Meyer-Rodriguez, Oregon Public Employees Union
Dell Isham, Automobile Club of Oregon
Mark Nelson, Public Affairs Counsel
Bob Keyser, Legislative Performance Group
Bill Seely, Department of Motor Vehicles
Ray Gribbling, Oregon Banker's Association, Oregon Auto Association

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during this session. Only text enclosed in quotation marks report a speaker's exact words.
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TAPE 75, SIDE A

005 CHAIR DUKES: Calls hearing to order at 8:20 a.m.

012 RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains items on the agenda.

WORK SESSION ON SB 763 & 836

015 BOB BOTHMAN, OREGON DEPT. OF TRANSPORTATION: We do plan to bring an overall transportation plan to the 93 legislative session which will have a rail part in it.

038 CHAIR DUKES: Will the plan have any new rail?

039 BOTHMAN: No there is no new, but we do need a rail plan for the future in Oregon.

049 CHAIR DUKES: Does it make sense to plan now?

051 BOTHMAN: Yes. We should be planning how high speed rail fits and how light rail might connect with a north-south route.

-Discusses other areas of transit and how the plans should all work together.

-Presents reaction to SB 763 in three parts. First, we suggest establishing a rail advisory committee that would allow the advocates to get together and submit a proposal to the transportation committee. Second, we propose that an element be introduced to deal with the passenger rail system planning in Oregon. Third, we suggest that we tap some of the highway fund money to put together this plan.

090 CHAIR DUKES: The \$50,000 would come from where?

092 BOTHMAN: The general fund, but I don't care where it comes from.

095 SEN. SMITH: What is your position on SJR10?

097 BOTHMAN: We are against that bill.

099 SEN. SMITH: Wouldn't that allow you to provide funding for alternatives?

102 BOTHMAN: Yes. We have looked at all thirteen bills that would tap the trust fund for a variety of reasons, and do not believe that is the right way to go.

105 SEN. SMITH: Discusses human services versus highway issues in relation to Ballot Measure 5.

110 BOTHMAN: There are other ways to get money. We need a specific plan before we ask the

public to split up the trust fund.

125 SEN. PHILLIPS: I think the Transportation Commission would be wrong to support opening the trust fund.

135 SEN. DUFF: The Railway Passengers Association offered to provide some volunteer service. Is there a way to incorporate that group?

142 BOTHMAN: We do plan on utilizing their service, but there are other services that will cost some money.

147 MARK FORD, ODOT: Discusses how the department could use the Rail Advisory Committee in regard to the Oregon Association of Rail Passengers.

153 SEN. MCCOY: Submits amendments 763-1 (EXHIBIT A) and 863-1 (EXHIBIT B). We have suggested that the Public Utility Commission and the Department of Energy take care of this project. The Department of Transportation is not equipped to do this, so we developed these amendments.

157 SEN. TIMMS: It makes sense that ODOT should be studying rail already.

210 BOTHMAN: That's correct. The problem is the Commission has the charge for a multi-modal program, but the Department does not. We would like to deal with rail but don't have any funding.

233 SEN. MCCOY: You are not equipped to do it.

242 BOTHMAN: We are involved in intercity passenger planning, but we have to do it from a multi-modal perspective, and our dilemma is that we can't pull out a specific study and publish it.

250 SEN. MCCOY: You haven't done anything so far.

263 BOTHMAN: We have a study that was done in 1984, "Intercity Passenger Services".

264 CHAIR DUKES: Did anything come of it?

265 BOTHMAN: No, because nothing was funded.

279 CHAIR DUKES: Are you saying that, because you only have funding for highways, you don't have charge to do more?

280 BOTHMAN: That's right. We have no rail division, but have considered asking for funding to develop one. In light of Ballot Measure 5, we decided against doing so.

291 SEN. MCCOY: They aren't going to do this without money. We are going to give them the

\$50,000 to set this in motion. But you have no authority to do anything in passenger rail.

310 FORD: The planning funds for multi-modal funds come from an assessment pool to which highway funds contribute. Within the context of multi-modal we can plan out of the assessment pool. It isn't that we don't have the expertise to do this; it is the restriction of doing specific studies in areas outside of the funded parameters.

334 CHAIR DUKES: We have a legislature that is a step ahead to insist that you do these things.
-Asks about the proposed \$50,000 to do the study.

350 BOTHMAN: Under SB 763, we proposed three elements - the advisory committee, the \$50,000...

371 SEN. SMITH: Why doesn't the Commission develop a multi-modal transportation plan?

383 BOTHMAN: You haven't seen fit to fund it.

387 SEN. SMITH: I haven't heard you come before us to say we need to develop a more comprehensive approach to transportation.

399 BOTHMAN: We attempted to do that early in January. I have no excuse for the last twenty years.

TAPE 76, SIDE A

005 BOTHMAN: We have a bike plan.

007 SEN. SMITH: We need to plan for transportation needs not just for highways.

014 BOTHMAN: The last piece or suggestion is the \$20,000 to plan light rail at the local government level. This would require a substantial contribution from the local governments.

022 CHAIR DUKES: Could you try federal funding?

028 FORD: I'm not sure of the status of federal funding.

032 BOTHMAN: The Willamette Rail Service would require \$250,000 for an Amtrak trial in the Willamette Valley, or as an extension of the Seattle to Portland line. The local governments would provide an additional \$250,000.

044 SEN. SMITH: Have you contacted local governments about this?

052 FORD: No, we have not made specific contacts.

060 SEN. PHILLIPS: On SB 836, it seems appropriate to offer an amendment that says the rail

system will go from "point north" to no farther south than Salem.

069 BOTHMAN: On SB 836, we have an opportunity to tag on to the study in Washington State.

Yet, again we have the money issue.

079 SEN. MCCOY: The states do not have to furnish the money. No one is asking the state to provide those kinds of funds. The Vancouver B.C. to Portland line is being studied at this time.

A Japanese-German consortium will do the financing.

090 BOTHMAN: This consortium has exclusively excluded any participation in the planning stage.

They proceed with the planning first, and the vendor is not involved.

-Discusses funding for the planning issue around the United States.

107 CHAIR DUKES: What is SB 836 about?

109 BOTHMAN: There are two parts. We propose that an high speed rail study committee be

established, funded by the state. Also we suggest funding to match the federal funds to tag on to the Washington study.

116 SEN. DUFF: How much do you need?

120 BOTHMAN: We are talking about \$80,000 for the rail study committee and about \$150,000

which is a match of the federal funds.

122 CHAIR DUKES: For the two bills you would need \$130,000?

127 BOTHMAN: We are talking \$50,000 for the intercity passengers rail plan, \$20,000 to tie in the

rail, and \$250,000 to subsidize an Amtrak service. In SB 836 we are proposing \$80,000 for the study committee and \$150,000 for the Washington project.

146 JOHN SAVAGE, DEPARTMENT OF ENERGY: Identifies himself.

148 CHAIR DUKES: If we give you a plan and a little bit of money what would your response be?

152 SAVAGE: I would ask that it include ODOT, so that it is integrated into the overall plan. The

individual mode plans cannot be looked at in isolation from the overall.

161 CHAIR DUKES: How does the department feel about heading up the program?

163 SAVAGE: In terms of a proposed action plan, we are interested.

175 SEN. TIMMS: Confused about the amount of money.

176 SEN. MCCOY: We are asking PUC and the Department of Energy to develop a plan for rail

service throughout the state. And SB 836 will tie in local governments.

178 CHAIR DUKES: It would be useful to bring in ODOT somewhere.

180 SEN. MCCOY: They could be a part of the group.

181 CHAIR DUKES: Could we make it the PUC, the Department of Energy and ODOT?

182 SEN. MCCOY: I'm not opposed to that.

220 SEN. PHILLIPS: I'm concerned about naming only two rail passenger organizations. We don't know if there are other associations and citizen groups that may have a lot more knowledge on this issue. Consultation with the appropriate advisory groups might be suggested language.

MOTION: SEN. PHILLIPS MOVES TO AMEND 763-1 AMENDMENTS TO INCLUDE ON LINE 3 AFTER "ENERGY" INSERT "and the Oregon Department of Transportation" AND AFTER THE WORD "of" INSERT "but not limited to".

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SEN. MCCOY MOVES 763-1 AMENDMENTS AS AMENDED.

252 SEN. DUFF: Does this give any direction of who should take the lead?

260 CHAIR DUKES: No, they will have to work that out themselves.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

MOTION: SEN. MCCOY MOVES SB 763 AS AMENDED TO FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES WITH ALL MEMBERS VOTING AYE.

WORK SESSION ON SB 836

309 SEN. SMITH: Is it possible to amend the amendment to include a direction to engage the services of organizations for technical support.

324 CHAIR DUKES: We can change the word "engage" to "consider".

330 SEN. SMITH: Would it be appropriate to have them on the task force and hire them as well?

335 SEN. PHILLIPS: It's not good policy to name certain groups.

338 SEN. SMITH: I have no problem adding a consumer group to the task group.

TAPE 76, SIDE B

007 SEN. PHILLIPS: Should we consider the services of outside individuals?

014 LARSON: We're crossing out "Oregon Association of Railway Passengers and the local

representatives of the High Speed Rail Association."

016 SEN. SMITH: Can you say associations or groups?

019 SEN. DUFF: How about consumer rail associations?

021 SEN. PHILLIPS: The purpose is to not limit it to specific groups.

MOTION: SEN. MCCOY MOVES THE SB 836-1 AMENDMENTS WITH THE FOLLOWING CONCEPTUAL CHANGES:

ON THE ORIGINAL BILL;

-PAGE 1, LINE 5 DELETE "jointly", PUT A PERIOD AFTER "governor", AND DELETE THE REST OF THE LINE,

-PAGE 1, LINE 6 DELETE "of transportation and the public utility commissioner",

-AFTER LINE 15, PAGE 1, INSERT "(I) a railway passenger consumer group.",

AND, ON THE 836-1 AMENDMENTS;

-PAGE 1, LINE 7 CHANGE "shall engage" TO "may consider".

-IN LINES 7 THROUGH 9 REPLACE "the Oregon Association of Railway Passengers and the local representative of the High Speed Rail Association" WITH "private groups and associations".

MOTION:SEN. MCCOY MOVES SB 836 AS AMENDED TO WAYS & MEANS WITH A "DO PASS" RECOMMENDATION.

VOTE:IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH ALL MEMBERS PRESENT VOTING AYE.

WORK SESSION ON SB 970

071 LARSON: Explains intent of bill. Submits SB 970-1 and -3 amendments. (EXHIBIT C & D)

Submits fiscal impact statement for SB 970.(EXHIBIT E)

106 JOE THOMAS, ATV ASSOCIATION: We prefer the SB 970-3 amendments.

110 LARSON: The -2 amendments would eliminate the instructor from any registration requirement.

111 DUKES: If we are not going to register you, we probably are not going to give you plates. You would like to be registered and have a plate?

113 THOMAS: Yes.

122 JOAN PLANK, DEPARTMENT OF MOTOR VEHICLES: We prefer the SB 970-2 amendments. It would be the least expensive for us to implement.

137 SEN. TIMMS: It make sense that all vehicles should have some identification.

141 PLANK: There would need to be an enforcement person out there to find this ATV without a plate.

147 SEN. TIMMS: It is the average citizen out there that sees it without a plate.

153 CHAIR DUKES: This would be creating plates for those used for training.
-The exemption would exempt them from all of that, so that they either have plates or nothing.

161 SEN. DUFF: The plates serve as advertisements that these people are receiving instruction.
Instruction is important, considering the accident record.

MOTION: SEN. DUFF MOVES TO ADOPT THE DASH 3 LC AMENDMENTS DATED 4/29/91 TO SB 970.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SEN. DUFF MOVES SB 970 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH SEN. BROCKMAN AND SEN. PHILLIPS VOTING NAY. SEN. SMITH WAS EXCUSED.

WORK SESSION ON SB 559

199 LARSON: Explains SB 559. Submits SB 559-11 & -12 amendments. (EXHIBIT F & G)
-Discusses the Freedom of Information Act.
-Submits articles as background research. (EXHIBIT H)

261 LISA MARTINEZ, STAFF FOR REP. HANNON: Explains SB 559-11 and SB 559-12 amendments. The dash 11 are preferred. The dash 1 amendments didn't prevent the sale of information for solicitation purposes.
-Explains DMV form that removes a name from the solicitation direct mail list.

345 SEN. TIMMS: Originally the bill dealt strictly with registration plates. Are we also including driver licenses?

353 HANNON'S STAFF: We found that registration wasn't enough to prevent the release of the information.

362 SEN. TIMMS: First, it was the license plate. Now, someone can ask on someone's driver's license?

369 HANNON'S STAFF: No, their driver's license record is available. A person's address is on that record. I can call on the phone and get that information.

395 SEN. TIMMS: If I fill out this form, will that prevent you from doing what you just described?

401 HANNON'S STAFF: No, it would not.

403 CHAIR DUKES: Would private investigators still be able to get the information?

408 HANNON'S STAFF: They would not be exempt. However, we have attempted to leave them a few options in the bill enabling them to obtain the information.

TAPE 77, SIDE B

012 CHAIR DUKES: What is the difference between the dash 12 and dash 11?

015 HANNON'S STAFF: The difference is that the dash 12 would only amend the original bill. The dash 11 would make it necessary to attain the VIN # before requesting an address from the DMV.

026 CHAIR DUKES: Goes through the amendments. (EXHIBIT I)
-The dash 4 and dash 5 are the only two that have not been incorporated into the dash 11.

048 LARSON: There is a conceptual amendment submitted by the OPEU that would allow labor organizations to access the files during the normal course of business.

056 JEANNIE MEYER-RODRIGUEZ, OREGON PUBLIC EMPLOYEES UNION: Our issue was restricted to DHR employees, but we also wanted access for labor organizations.

067 SEN. PHILLIPS: Why would you need a person's driver license for labor organizing?

071 MEYER-RODRIGUEZ: We are into the private sector, and there is no access to names in the private sector.

075 SEN. PHILLIPS: Asks about approach.

080 DELL ISHAM, AUTOMOBILE CLUB OF OREGON: We would like the dash 11 amendment. People have been well served through direct mail. Our concern is section three.

105 SEN. PHILLIPS: Do you have any problem with people who do not want to be sold on the mailing list?

109 ISHAM: No. If people designated with the DMV that they did not want to be on the list.

110 SEN. PHILLIPS: The easy way for DMV would be to exempt everyone. Are you saying the easy way is not necessarily the best way?

111 ISHAM: Yes, that's correct.

120 SEN. DUFF: Have you notified the members of your organization of the availability of their records to the public?

122 ISHAM: We have not told our members of this issue.

112 MARK NELSON, PUBLIC AFFAIRS COUNSEL: Discusses public direct personalized political mail. We need dash 5 amendments. We also have a concern about the language in the dash 11 amendments.

114 CHAIR DUKES: You wouldn't be considered doing it for commercial uses, if you resold it to a political candidate and they used it only for political purposes, but it wouldn't say anything about direct mail.

116 NELSON: There is a prohibition on using voter registration tapes for the commercial purposes.

147 BOB KEYSER, LEGISLATIVE PERFORMANCE GROUP: Explains why they need to be exempt from this bill. Concerning the dash 4 amendments, the process servers are not mentioned in any if the subsequent amendments.

166 CHAIR DUKES: You are not licensed, and everyone else in here is. Anyone can walk into DMV, claim to be a process server and access someone's file. It's quite easy to get a bond in Oregon.

173 KEYSER: It's not a bond, it's an errors and omissions insurance.

175 DUKES: You are a difficult group to get a handle on.

177 KEYSER: Right. If they don't have the insurance, then they shouldn't be exempt from the law.

200 SEN. PHILLIPS: Section 3 of the dash 11 makes it too easy on DMV. If people want to be exempted, then that should be honored.

223 CHAIR DUKES: The entire list would be permissible, but a person would have an option to take their name off of the list.

240 SEN. PHILLIPS: This would be consistent with the dash 5 amendments.

245 CHAIR DUKES: Reviews the list of exempt individuals.

267 SEN. SMITH: The only people who are not exempt are the general public. As a member of the general public, I would be interested in the record of an individual that I plan to buy a car from. Would I be included in this case?

270 PLANK: You are still able to get the vehicle record, but they would not supply the name and address of the individual.

272 SEN. SMITH: If I was interested in a car on a lot, would I be able to call the owner?

273 PLANK: That's correct.

274 SEN. SMITH: Could the dealership provide the information?

276 PLANK: That would be up to the dealership.

287 SEN. MCCOY: We are naming three groups that are not included in exemptions - the general, public process servers and direct mail organizations.

MOTION: SEN. PHILLIPS MOVES TO ADOPT THE DASH 11 AMENDMENTS DATED 4/29/91 TO SB 559 WITH THE DELETION OF SECTION 3.

VOTE: HEARING NO OBJECTIONS, CHAIR DUKES SO MOVES.

MOTION: SEN. PHILLIPS MOVES THE DASH 5 AMENDMENTS DATED 4/3/91 TO THE AMENDED SB 559.

VOTE: HEARING NO OBJECTIONS, CHAIR DUKES SO MOVES.

MOTION: SEN. TIMMS MOVES THE DASH 4 AMENDMENTS DATED 4/3/91 TO SB 559 .

VOTE: IN ROLL CALL VOTE, THE MOTION CARRIES, WITH SEN. PHILLIPS, SEN. MCCOY AND CHAIR DUKES VOTING NAY.

365 SEN. DUFF: I would like there to be something where people can exempt out.

374 BILL SEELY, DMV: We can do just about anything. We could add it to our renewal reminder.

386 CHAIR DUKES: Can you do some sort of public information promotion?

394 SEELY: We could do more with varying degrees of cost.

TAPE 78, SIDE A

010 RAY GRIBLING, OREGON BANKER'S ASSOCIATION AND THE OREGON AUTO ASSOCIATION: We are talking about someone taking an action with division that says not to release my name. Those who do not want to be solicited would have to opt in rather than opt out.

023 SEN. PHILLIPS: What we want to do is have people opt out not opt in.

031 CHAIR DUKES: We will have this back on Tuesday after it goes through LC.

034 HANNON'S STAFF: Perhaps you should leave in Section Three which would take care of the problem.

PUBLIC HEARING AND WORK SESSION ON SB 1104

MOTION: SEN. PHILLIPS MOVE SB 1104 TO THE SENATE JUDICIARY COMMITTEE WITHOUT RECOMMENDATION AS TO PASSAGE.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES WITH ALL MEMBERS PRESENT VOTING AYE.

CHAIR DUKES: Adjourns the meeting at 10:15 a.m.

Submitted by, Reviewed by,

Scott MarshallRuth Larson
AssistantAdministrator

EXHIBIT LOG:

- A - Amendments to SB 763 - Senator McCoy - 1 page
- B - Amendments to SB 836 - Senator McCoy - 2 pages
- C - Amendments to SB 970 - Joe Thomas - 2 pages
- D - Amendments to SB 970 - Oregon A.T.V. - 1 page
- E - Fiscal Impact Statement - staff - 1 page
- F - Amendments to SB 559 - Senator Hannon - 2 pages
- G - Amendments to SB 559 - Senator Hannon - 1 page
- H - Newspaper Article - Senator Hannon - 5 pages
- I - Amendments to SB 559 - staff - 7 pages