

Senate Committee on Transportation
May 9, 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

May 9, 1991Hearing Room C
8:00 a.m.Tapes 84 - 85

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:

VISITING MEMBER:

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

MEASURES CONSIDERED: SB 763 - Requires Oregon Transportation Commission to develop long-range policy and plan for railroad passenger service in this state. SB 842 - Exempts funeral processions from obeying certain traffic laws. SB 1216 - Requires nongovernment builders of roads to provide footpaths and bike trails. SB 71 - Modifies distance between vehicle axles to clarify maximum allowable weight table. SB 838 - Authorizes Travel Information Council to establish fee schedule for certain signs.

WITNESSES: Fred Vannatta, Oregon Funeral Director's Association, Oregon Home Builders

Association
Don Ballantyne, Oregon Funeral Service
Ken Chichester, Oregon State Police
Representative Gail Shibley
Don Stathos, Citizen
Dick Unrain, Oregon Department of Transportation
Steve Johnston, Oregon Department of Transportation
Doug Gyllenskog, Weigh Masters
Mike Meredith, Oregon Trucking Association
Cheryl Gribskov, Travel Information Council
Dwayne Hofstetter, State Highway Division

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TAPE 84, SIDE A

CHAIR DUKES: Calls the meeting to order at 8:11.

RUTH LARSON: Explains the agenda.

WORK SESSION ON SB 763

MOTION: SENATOR MCCOY MOVES TO RECONSIDER THE VOTE OF SB 763.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SENATOR MCCOY MOVES TO AMEND SB 763 BY ADDING ON LINE 10, SECTION 2, "the Oregon Department of Transportation."

SEN. SMITH: Do we need to add language identifying a lead agency?

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SENATOR MCCOY MOVES TO ADD LANGUAGE PLACING THE DEPARTMENT OF ENERGY AS THE LEAD AGENCY.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO ORDERS.

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

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

WORK SESSION ON SB 842

FRED VANNATTA, OREGON FUNERAL DIRECTOR'S ASSOCIATION: Submits and reviews -1 amendments, a hand-engrossed SB 842 and testimony. (EXHIBIT A, B & C)

-On page 1, line 17, we suggest the word "red" be deleted.

CHAIR DUKES: What does it do?

DON BALLANTYNE, OREGON FUNERAL SERVICE: This bill gives the right-of-way to funeral processions on the public highways. It includes the usage of escort vehicles.

VANNATTA: Some local jurisdictions allow this, but most do not. It will make what has been the practice lawful.

CHAIR DUKES: How are we sure they check with local authorities? We need to be clear with other possible conflicts.

BALLANTYNE: We make ourselves fully aware of scheduled activities.

CHAIR DUKES: Does this bill affect those people acting as escorts?

BALLANTYNE: This sets forth some requirements for making them more visible.

KEN CHICHESTER, STATE POLICE: We have no problems with the bill.

180 SEN. DUFF: Is there anyway someone else could use this bill, besides a funeral procession?

BALLANTYNE: They must have the remains of a deceased person.

MOTION: SENATOR MCCOY MOVES THE -1 AMENDMENTS TO SB 842, DATED 5/6/91.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO ORDERS.

MOTION: SENATOR MCCOY MOVES THAT ON LINE 17, PAGE 1, DELETE THE WORD "red".

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO ORDERS.

MOTION: SENATOR MCCOY MOVES SB 842 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

PUBLIC HEARING ON SB 1216

LARSON: Submits the -1 amendments. (EXHIBIT D)

REP. GAIL SHIBLEY: Twenty years ago the "1% for highways bill was enacted." Requires that at least 1% of highway funds be dedicated to bicycle lanes and paths. Private developers are not included.
-Discusses the intent of the -1 amendments.
-When a project is constructed, footpaths and bike paths should be put there too. We wanted to make sure that the same type of paths be constructed in private projects as those that are constructed in public projects.

DON STATHOS, CITIZEN: The original act was intended to do what this bill does. The change in the act is what I intended to do 20 years ago.

SEN. SMITH: I am concerned about one part dealing with the "cost of establishing such paths or trails would be excessively disproportionate to the need or probable use..." Do you think that this is strong enough?

REP. SHIBLEY: I had the same concern, but the same language is in the past

bill.

STATHOS: There are some extreme cases in Eastern Oregon where there might be 100 miles between cities. This language would let them off the hook.

400 SEN. BROCKMAN: I don't see "bicycle trail", under this wording this disallows for motorized wheelchairs usage?

LARSON: We were not able to find "bicycle trail."

REP. SHIBLEY: ORS 665.14 references "footpaths and bicycle trails." It is used in 1% bill.

TAPE 85, SIDE A

CHAIR DUKES: The concern is that motorized wheelchairs ought to be able to use them.

SEN. SMITH: A trail could be either a path or a lane.

SEN. PHILLIPS: The developers pay high fees as it is. The costs eventually come back to the public. Are you planning on deleting line 11?

CHAIR DUKES: No.

SEN. PHILLIPS: The language "excessively disproportionate" has various interpretations. I'm concerned about the affordability issue.

REP. SHIBLEY: The affordability issue is very important. The subsidy we provide to automobiles is high. The per mile costs of highway construction are extraordinary.

SEN. PHILLIPS: In suburbia, you will require these to be implemented in the big housing projects. These paths may not fit into the plan in these areas.

REP. SHIBLEY: We have to be committed to alternate modes. This legislation provides for the necessary improvement. I am sensitive to investment in homes. This bill will increase value of investment.

FRED VANNATTA, OREGON STATE HOME BUILDERS ASSOCIATION: Logging roads and driveways shouldn't be required to have a footpath.

CHAIR DUKES: Long driveways are exempt.

VANNATTA: Are cul-da-sacs in a sub-division a road?

CHAIR DUKES: Yes.

SEN. SMITH: The definition in statute of a road or street pertains to a public one.

SEN. PHILLIPS: In building a logging road, one would have to build a path.

SEN. SMITH: It is not a public road by definition.

VANNATTA: That's a policy issue. If the intent is to mandate building bike paths on cul-da-sacs, it will not be welcomed.

CHAIR DUKES: The public that buys into the development is paying for it. What about curb cuts and ramps?

VANNATTA: If the public wants paths through subdivisions, they will buy into one built in with them in it. Most people do not want it. It's not an automatic plus for marketing purposes. Curb cuts means eliminating the curb. This is a different issue.

CHAIR DUKES: What is a rolled curb?

VANNATTA: A driveway can be put over a rolled curb.

CHAIR DUKES: Are you opposed to curb cuts?

VANNATTA: No. We are opposed to this bill.

SEN. TIMMS: This bill will take rural areas out of the process.

DICK UNRAIN, OREGON DEPARTMENT OF TRANSPORTATION: A part of ORS 366 .514, section 4, charges the division with advising on the construction of bike paths. We have developed the State of Oregon Bicycle Master Plan. It sets forth the best manner to build bicycle paths. The American Association of State Highway and Transportation Officials define different types of roadways.
-Reviews the 4 types of road facilities.
-Of these 4, a shared roadway may be appropriate for rural areas. In a subdivision, bike paths may be appropriate. Shared roadways are the lowest cost option.

CHAIR DUKES: In a housing development, would you have to put in a physical addition?

UNRAIN: There is some latitude.

SEN. PHILLIPS: Do you work on a regular basis with planning divisions at the city and county level?

UNRAIN: No, not regularly. I do work with the State Bicycle Commission.

TAPE 84, SIDE B

SEN. PHILLIPS: This bill would be an endorsement towards requiring bicycle paths in all construction.

UNRAIN: This report can be used as a guide.

SEN. SMITH: Have you noticed excessive use of separate bike paths in addition to sidewalks?

UNRAIN: Not really. We are concerned that, although, there are some great facilities, they are not contiguous as you come into town.

SEN. SMITH: The intent of this bill is to build first in order to avoid problems in retroactive construction.

SEN. TIMMS: Do we have a plan to connect bike paths?

UNRAIN: It is in the first stage of development.

SEN. TIMMS: This is one step too far, and the costs will be too extreme.

UNRAIN: Oregon was voted the Most Bike Friendly State in the nation, mainly due to the 1% law.

SEN. TIMMS: We need more from within at the grassroots level, instead of a mandate from the state.

UNRAIN: There is some flexibility in identifying an appropriate bike facility.

CHAIR DUKES: States definition of a bicycle trail.

SEN. SMITH: This does not require a separate lane. If you can show it's not economically feasible, then it won't be required.

CHAIR DUKES: The League of Oregon Cities wanted to be put on record in support of the bill.
(EXHIBIT F)

PUBLIC HEARING ON SB 71

LARSON: Explains the intent of SB 71. Submits the -1 amendments. (EXHIBIT F)

STEVE JOHNSTON, OREGON DEPARTMENT OF TRANSPORTATION: Submits and reviews testimony. (EXHIBIT G)

SEN. SMITH: What is the fine for having an overweight load?

JOHNSTON: It's up to \$500 plus \$.30 per pound. It varies depending on the magnitude. It is not as good a deterrent as we would like.

SEN. SMITH: Do you have the authority to assess civil penalties?

JOHNSTON: No.

SEN. SMITH: How would you assess civil penalties?

DOUG GYLLENSKOG, WEIGHT MASTERS: We have the authority to assess civil penalties based on the damage that the vehicle has done.

JOHNSTON: We can bring suit against them for the damage.

SEN. SMITH: If this bill passed, what would be the process?

GYLLENSKOG: The administrative rule would divide a company by size into five divisions, classified by the amount of power units. A certain number of "above 10,000 pound" loads would

be allowed before a company is deemed an habitual offender.

SEN. SMITH: After you draft administrative rules identifying classes of offenders, will you establish a hearing division?

GYLLENSKOG: Yes. A company would be notified that it is a habitual offender prior to the first fine being imposed. They would have the right to come in to discuss this issue.

SEN. SMITH: How many more staff would you need to go through the hearing and complaint process?

GYLLENSKOG: We could handle it with internal staff.

SEN. SMITH: How many complaints do you expect?

GYLLENSKOG: There were 15 repeat offenders in 1990.

SEN. SMITH: How many would be effected by this legislation?

GYLLENSKOG: Around 7 or 8.

SEN. SMITH: Do you think it will stop the carriers from running overweight?

GYLLENSKOG: It would be another deterrent.

SEN. SMITH: Who would make the decision at ODOT?

GYLLENSKOG: The decision would be with Mr. Johnston.

SEN. TIMMS: Who are usually the "bad guys"?

TAPE 85, SIDE B

GYLLENSKOG: Reads the top ten offenders off a list.

SEN. MCCOY: Does these get at the containers?

GYLLENSKOG: I think so.

MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: Submits testimony. (EXHIBIT H)

-We support the -1 amendments.

-We would like reconsideration of the original bill.

PUBLIC HEARING ON SB 838

LARSON: Reviews the intent of SB 838.

CHERYL GRIBSKOV, TRAVEL INFORMATION COUNCIL: Submits and reviews testimony. (EXHIBIT I)

SEN. MCCOY: Where are the small businesses you are speaking of?

GRIBSKOV: The are predominantly in Eastern Oregon.

SEN. PHILLIPS: We do have small businesses in the valley that have complained about the high prices.

SEN. MCCOY: What happens to those small businesses in other states?

GRIBSKOV: They aren't on the board.

SEN. TIMMS: I compliment the Travel Information Council on promoting themselves.

GRIBSKOV: We are planning on focusing on Eastern and Central Oregon in the coming years.

SEN. TIMMS: Will it be done in respect to amount of traffic on the specific roadways?

GRIBSKOV: The most equitable fee schedule we could come up was traffic volume.

SEN. SMITH: Can highway funds be expended for the historic marker program?

GRIBSKOV: They can be, but have not been.

SEN. SMITH: The intent of this bill seems to be to shift the burden of this program to the small businesses. I don't think that is appropriate.

GRIBSKOV: We tend to run on a tight level each year. This money would help meet the demands on the highways faster.

CHAIR DUKES: Do museums pay for them now?

GRIBSKOV: Yes. We would like to see non-profit organizations pay only the first year.

CHAIR DUKES: This would open it up to all non-profit organizations.

DWAYNE HOFSTETTER, STATE HIGHWAY DIVISION: It's a matter of priorities. We have more needs than we have funding.

SEN. SMITH: The concern is that this will benefit us all, but requires a select few to fund it.

CHAIR DUKES: How come we have less money for historic markers?

HOFSTETTER: That's a matter of setting priorities. We have maintained the signs at an acceptable level.

CHAIR DUKES: I assumed we were as least adding a few new signs a year.

HOFSTETTER: The costs have gone up substantially.

CHAIR DUKES: How much did you put in last year?

HOFSTETTER: Counting staff time, about \$14,000.

SEN. SMITH: Has your budget passed through Ways and Means?

HOFSTETTER: I'm not sure.

SEN. SMITH: What does your budget have in it?

HOFSTETTER: We are required to provide the \$14,000.

SEN. TIMMS: There seems to be a problem with the fee schedule. The emergency board can not establish the fees.

SEN. PHILLIPS: To say that a small business should pay more is wrong.

CHAIR DUKES: Adjourned the meeting at 9:57.

Submitted by,

Reviewed by,

Scott Marshall
Committee Assistant

Ruth Larson
Committee Administrator

EXHIBIT LIST

- A - Fred Vannatta, 2 pages.
- B - " ", 9 pages.
- C - " ", 1 page,
- D - Staff, 1 page.
- E - Dick Townsend, 1 page.
- F - Dick Unrain, 1 page.
- G - Steve Johnston, 3 pages.
- H - Mike Meredith, 5 pages.
- I - Cheryl Gribskon, 8 pages.