

DRAFT

OREGON TRANSPORTATION SAFETY COMMITTEE
Wednesday, February 10, 2021 Meeting Minutes
Teleconferencing Call
Salem, OR

Members via Phone/Skype: Chairperson Victor Hoffer, Vice-Chair Luis Ornelas, Jerry Cooper, Marian Owens

Staff via Phone: Troy Costales, Traci Pearl, Brandy Anderson Gillock, Dan Estes, Walt McAlister, Nicole Charlson

Liaison(s)/Guest(s) Via Phone: Christina McDaniel-Wilson (HSEC), Janelle Lawrence (Oregon Impact), Lynn Zanto (NHTSA), Mari Hembeck (NHTSA)

I. WELCOME AND INTRODUCTIONS

Chair Hoffer called the meeting to order at 9:05am. He informed the group that the meeting was being recorded and open to the public. He reminded the group that the mission of the OTSC was to work hard to save lives and protect the public on the highways and byways of the state of Oregon. He asked for everyone to bow their heads for a moment of silence to remember all who had been lost or seriously injured on our roads.

II. CONSENT CALENDAR AND MINUTES

MOTION: Mr. Cooper moved to approve the consent calendar and minutes for October and January as written. Ms. Owens seconded. Call for vote; unanimous approval. Motion passed.

III. MEMBER REPORTS

Vice-Chair Ornelas reported that he had received his 15-year service award and felt grateful and honored to have received it. He felt like the Annual Planning Workshops went well for a virtual setting, and he liked the small groups and involvement of new members.

Ms. Owens reported out that she felt like the planning workshop went well considering it was virtual.

Mr. Cooper reported out that he was disappointed to learn about the disbanding of the Traffic Division of the Portland Police Department. He said he feels like Portland is going to pay the price for this. He felt like the Annual Planning Workshop was fine considering it was virtual.

Chair Hoffer said he wanted to give a report on some highway traffic safety needs in Marion County next month. He said the conference was good, despite technical difficulties trying to log on virtually, and he felt like there was a lot of good feedback.

IV. 2021 LEGISLATIVE SESSION PLANNING

Ms. Pearl reported out on the House and Senate bills that have been released so far for the 2021 session that pertain to safety and ODOT has been asked to watch. She highlighted that there are a few ATV bills, many impaired driving bills, some relating to vehicle equipment, ignition interlock devices, OSP staffing levels, and employee safety. There is a spreadsheet outlining all of these bills available on the OTSC website. Chair Hoffer stated that the committee has decided they will let the Government Relations office handle bill tracking and allow TSD staff to report out to the committee as things evolve. Mr. Costales stated that the Transportation Commission is in charge of whether ODOT will be involved, supporting or opposing bills, and since the OTSC is part of ODOT, and can't comment/testify independently as OTSC members, it makes sense for the OTSC to take this stance. If the OTSC does decide there are bills they would like to weigh in on, the recommendation would go to the Transportation Commission for consideration.

V. LIAISON UPDATES

Oregon Impact

Janelle Lawrence reported out on their DUII grants: they have worked 178 shifts and 832 hours, had 47 DUII arrests, 17 DUII drug arrests, 3 minor in possession offenses, and 7 interlock infractions from October through December.

A representative from their organization went on a ride along with a Portland police officer on New Year's Eve. During this shift, a pedestrian was killed on SE 122nd Ave. The police charged a 31-yr old Portland man with DUII in connection with the woman's death. It was the final and 58th death in Portland for 2020.

They partner with ODOT's Heidi Manlove on the Pedestrian Grant, and are currently working on producing an online class to replace the live training for officers. It should be ready this spring.

She reported that they also have a Safe Communities Grant, and last year they created yard signs that were requested by traffic safety groups for distracted driving, pedestrian enforcement, speed, and DUII on motorcycles: which was a new request for them. They delivered the signs to about 70 police and traffic safety groups to post in their neighborhoods. They delivered half of the packages in person, which gave them the opportunity to meet with traffic safety coordinators and police. They will be working on these signs again this year. They are also putting together a manual for surviving zoom calls and best practices.

She reported on their Distracted Driving Grant stats: between October and December, they worked 120 shifts and 390.5 hours; they stopped 849 cars, issued 168 Distracted Driving citations and 203 warnings during their shifts.

National Highway Traffic Safety Administration (NHTSA) Region 10

Lynn Zanto reported out that she is new to Region 10, but has been with NHTSA for about 12 years. She said they have just finished the annual report reviews. They just sent out a confirmation email about CARES waivers. Mr. Costales added that he was glad to have Ms. Zanto as another Region 10 NHTSA partner and asked if she was officially assigned to Oregon. She said she will let us know as soon as possible. She explained that Mari Hembeck is the deputy director, Ryan Peters is another Program Manager, John Westerhold is a new addition, and Hilary Torres-McConnell is a Washington representative. Ms. Hembeck thanked us for the work we are doing for safety. Vice-Chair Ornelas asked if NHTSA has a zero fatality mission plan. Ms. Hembeck said that she would have to get back to the OTSC on the current administration's position on this, but that it is on their radar. She will report out further as soon as she is able.

Highway Safety Engineering Committee (HSEC)

Vice-Chair Ornelas reported that he would like to have a meeting with HSEC soon. Ms. McDaniel-Wilson said that most of their meetings in 2020 were cancelled due to COVID. They are putting a schedule together for quarterly meetings to begin in March, and they should be held on the 4th Thursdays of the month.

Governor's Advisory Committee on Motorcycle Safety (GAC-MS)

Ms. Pearl reported that the GAC-MS is meeting monthly, as we are now actively involved in the 2021 legislative session. There is a meeting next week on Thursday, February 18th from 4-7 p.m. They are working on how to accommodate public comment when discussing certain bills for this meeting. SB0574 (lane splitting/sharing) is on the docket again this year and ODOT's Jeff Greiner is working on tracking that and several other bills. Vice-Chair Ornelas asked Ms. Pearl about an article he had seen based out of Sweden about having air bags in motorcycle chaps. Ms. Pearl said she hadn't heard anything about that but that she would ask Mr. Greiner about it.

GAC-DUII

Jerry Cooper reported that he had attended the GAC-DUII meeting and that there was some discussion on legislation. The bills were reviewed and the committee took votes and agreed to support the first ten of the twelve they were tracking. He said that the most crucial one in his opinion is the .05 per se impairment bill. Mr. Cooper explained that he had asked Mr. Estes who was supporting this bill and that Mr. Estes was unable to confirm.

He reported that the DUII Multidisciplinary Task Force event will be August 30th and 31st instead of April. Vice-Chair Ornelas asked why he didn't see anything on their list of bills about testing for blood. Mr. Cooper answered that Mr. Estes had learned that this topic wouldn't be discussed this session, and that perhaps Mr. Estes would be addressing it later in the meeting. Ms. Owens asked how many states support blood testing as part of implied consent. She

wondered if we were in the minority on this issue. Mr. Estes said he would report out on this later in his program update.

VI. PROGRAM UPDATES:

Traffic Records

Walt McAlister reported out for Traffic Records and shared his Traffic Records Assessment presentation (refer to the copy on the OTSC website). Mr. Costales reminded the group that this report is required on a 5-yr cycle by the federal government in order to continue to receive funding. There were about 40 people involved in compiling and submitting the report. He said these reports are what make our funding work and that they confirm that the programs are all staying on track. This report is what we use for financial reporting recommendations. Ms. Owens asked Mr. McAlister which area will be the hardest to bring it up to par, and how long he expects it to take to get there. Mr. McAlister said he believes citation data will be the most challenging, because there is no national standard for this. Vice-Chair Ornelas asked what a “go-team” is. Mr. McAlister said it is a group of people identified as specialists by NHTSA. They provide assistance with developing system improvements. Vice-Chair Ornelas asked how often Mr. Costales hears from Frank Subalusky (referring to the cover letter that was sent with this report, which can be found on the OTSC website). Mr. Costales said that we don’t interact with the Washington office regularly; that this letter was included in order to show that the report was certified. Vice-Chair Ornelas said that he supports more funding going to Mr. McAlister’s programs. Ms. Pearl asked the Vice-Chair whether there was anything he had in mind specifically in regards to the extra funding. Vice-Chair Ornelas said they should talk more offline about it, but that he wanted to ensure accuracy and timeliness for these programs, and hoped to support them as much as possible. Mr. McAlister said that there is a lot of interest in the e-citation and e-crash programs for law enforcement agencies, and he thinks the DMV is going to be taking on electronic reporting soon. Both of these areas present opportunities for more funding to be allocated.

Region 2 Update

Nicole Charlson reported out on region two and reviewed her funding breakdown (refer to the hand out posted on the OTSC website). She said she does a lot of education campaigns and supplements the child car seat safety grant. She reviewed fatality increases and decreases from 2017 and 2018 data. The only decreases were in the speeding and young drivers categories. She said that the roadway departure initiative plan includes adding rumble strips all over region two.

Region two saw one of the worst years on record for fatalities in 2018. They decreased a bit in 2019 and 2020. Preliminary data shows that in 2020 there was about a 7% decrease in fatalities from 2019. Traffic volume changes (decreased amount of drivers on the roads) in 2020 impacted the number of crashes, but volume has just about returned to normal. She addressed what has been going on nationally and regionally since the pandemic began. NHTSA has been

analyzing data during this time and reports show that there has been an increase in impaired driving and speeding since the quarantine orders were issued, compared to the number of drivers on the road. Drivers were also admittedly exhibiting riskier behaviors during the quarantine. A higher number of respondents confirmed that they were engaging in more dangerous behaviors during the pandemic, including using drugs and alcohol to cope. There has also been a reduction in law enforcement and safety messaging, which has impacted 2020 data.

Ms. Charlton reported on the safety corridor programs. US-20 is the oldest corridor in region two currently. It was established in 1999. This project took out some curves and realigned the highway to make it safer. OR-22 West is a new project that was established in May, 2020. New safety corridor signs were installed recently on OR-219 to I-5 in Marion County. The advisory group is meeting on February 18th to decide on a new corridor that might be installed in Lane County.

They are working on analyzing the data from Corvallis to address needs there around pedestrian fatalities. A lot of outreach is still on hold, like car seat installation clinics, due to COVID. She recently coordinated a Distracted Driving event at a school that was held outdoors, and safety fairs are being conducted virtually. Chair Hoffer said he would like to talk offline with Ms. Charlson about highway safety issues in the Mt. Angel area.

Impaired Driving

Dan Estes shared his graph showing drug/alcohol fatalities and the upward trend they have been on in the past few years. There have been fewer DUII stops due to limited law enforcement presence in the past year. He said that he and ODOT's Jeff Greiner (Motorcycle Safety Program Manager) have been working together closely to track the bills around impaired driving, because the number of impaired driving fatalities involving motorcycles is alarming. Mr. Estes said will be attending the GAC-MS meeting next week to discuss legislation and support between the two GACs (GAC-MS and GAC-DUII).

Measure 110 took effect on February 1st. This is the bill that decriminalized many drugs (refer to the handout on the OTSC). He is very concerned this will have a huge impact on our drug-related fatalities. He referenced the area on the graph that depicts the rapidly increasing drug-only fatalities in Oregon (also posted on the OTSC website). These fatalities almost doubled from 2017 to 2018. He answered Vice-Chair Ornelas's earlier question about why the bill around blood testing wasn't being tracked; he said there is not enough support in the existing legislature to bring this into session. He also addressed Ms. Owens's question about how many states have a blood standard. He has reached out to Deena Ryerson, our Traffic Safety Resource Prosecutor, and will report what he finds.

Mr. Estes went through the legislative updates and how they pertain to the Impaired Driving program in more depth:

SB0127 is about ignition interlock device (IID) units being used improperly; people were having their children blow into their device for them, but were not able to be cited for the offense because an officer didn't witness the event first hand. This bill allows for such offenses to be prosecutable.

SB0201 is the Guzman/Hedgpeth fix: Guzman deals with statutory counterpart language to help allow out-of-state DUIs to be admissible in court for repeat offenders. The Hedgpeth decision is about someone blowing a .08 within two hours of arrest still being prosecutable.

SB0211 is about trooper staffing levels. The goal is to have 15 troopers per 100K people by 2030. This bill was passed out of committee last week and is now with the Joint Ways and Means Committee.

SB0217 is a standalone Guzman fix. This bill is being presented again just in case SB0201 doesn't go through.

HB2683 was put forward by Representative Rayfield out of Corvallis. It combined various treatment funds and put them all into one pot. The GAC-DUII is tracking this because they are concerned about losing impaired driving funds that are currently set aside for indigent clients who have received DUIs and need treatment and IIDs, but cannot afford them.

LC3199 became HB3132- This is about lowering the legal BAC limit to .05- Senate President Peter Courtney and Senator Steiner-Hayward supported this bill last session.

LC3217 became HB3133- This is about the language around "any impairing substance." DUII charges don't include any of the newly decriminalized drugs or other non-controlled substances, so this bill addresses those things.

LC3218 became HB3134- This replaces the word "accident" with "crash" in the Motor Vehicle Code.

LC3220 became HB3135- This bill would establish a 24/7 sobriety program. NHTSA considers this to be best practice for repeat offenders – they will have to go in daily or multiple times a day for sobriety testing. South Dakota started this years ago and found a corresponding decrease in domestic violence instances.

LC3221 became HB3136- This bill allows DRE testimony to be admissible in a trial even if the toxicology confirmation isn't present. It also allows a DRE to include comments on whether a DRE exam was refused.

LC3272 became HB3137- This is to address out-of-state treatment fixes. This bill states that if someone gets a DUII in Oregon, they can receive approved treatment in their home state to fulfill the requirement here.

LC3383 became HB3140- This bills adds psilocybin to the DUII statutes. The legalization of this drug was passed in Ballot Measure 109 last election.

Mr. Cooper asked Mr. Estes about why HB3137 was tabled at the last GAC-DUII meeting. Mr. Estes responded that some of the members wanted to take a closer look at the wording of the bill before taking a vote on whether to support it. Mr. Cooper shared that regarding HB3132, which he considers to be the most important topic this session, it is crucial to get the support of the Chairperson of the bill if you hope to get it passed. If the Chairperson does not support the bill, but you can garner 6 out of 10 committee votes in favor, the majority vote will ensure it goes to the floor for a hearing and a vote. Chair Hoffer said he had already seen an uptick in heroin use in Salem since Measure 110 had passed. He also commented on HB3133: he recently responded to a call where a minor had been drinking mouthwash and was found intoxicated and unconscious. It was another reminder of why it is important to cover all relevant areas/substances in our DUII statutes. Ms. Owens asked if there was any way Measure 110 could be reversed. Mr. Estes said it was a statutory measure, which means the legislature has the freedom to change it, but historically they haven't been willing to change items that were voted in by the public.

VII. TSD Administrative Report

Mr. Costales acknowledged Vice-Chair Ornelas receiving his 15-year service pin, and thanked him for his passion and service.

Mr. Costales informed the group that there would be a financial presentation and discussion in March. He said that he and Ms. Pearl and the Program Managers are currently looking at the financials for prior years' projects and unused funds, and devising a plan about how best to allocate existing funds and newly granted monies. The plan and recommendations will be shared with the OTSC next month, and approval will be requested. COVID restrictions limited the ability to run many programs as planned last year, so there was more carry forward than expected. TSD purposely holds funds for the future budget in case there is a delay in federal funding, and this is being considered as well. Ms. Zanto of NHTSA spoke up and said that Mr. Costales had done an excellent job of explaining how the federal funding works, and she appreciated the planning that is going into the process.

Mr. Costales reported that there was a staffing change at the Governor's office, and Kristen Sheeran is the new Transportation Policy Advisor. Ms. Sheeran is aware of the need for appointment of a fifth member to the OTSC. Mr. Costales also reached out to the Director of ODOT's Government Relations office and asked Lindsay Baker about this. Ms. Baker said that she would help move the request forward, too. Mr. Costales explained that the OTSC member

recommendations are supposed to come from the Transportation Commission to the Governor's office, and then be vetted. Mr. Costales said he has personally reached out to a couple of people to gauge their interest in the position.

Vice-Chair Ornelas asked Mr. Costales for news about his replacement. Mr. Costales said he had a meeting about it last week with Operations Director Cooper Brown but there was nothing to report at this time. He will update the committee next month.

VIII. 2021 LEGISLATIVE UPDATES

Ms. Pearl reviewed the legislative bills again and asked for questions.

SB0106- This requires class IV all-terrain vehicle operators aged 16-years or older to carry and present an all-terrain operator permit in addition to their driver's license.

SB0166- This requires the use of motor vehicle headlights at all times while on the highway.

SB0490- This bill is about staffing levels for State Police Patrol Troopers.

SB0492- This bill directs the Oregon State Police to study the impact that the number of Oregon State Police Troopers has on public safety and report out on findings.

SB0548- This bill is to prohibit increasing the speed limit on I-5 and I-205 to 60mph.

SB0548- This bill is about lane splitting/lane sharing for motorcycles.

HB2076- This establishes an Emergency Health Care Systems Program and an Emergency Health Care System Advisory Board within the Oregon Health Authority.

HB2183- This relates to pollution control equipment (vehicle emissions).

HB2235- This relates to an emergency workforce needs study. We are tracking this as it might pertain to our office of Employee Safety.

HB2382- This is another vehicle equipment bill about how long spare tires can be driven on.

HB2486- This bill is about giving the media access to accident/crime scenes.

HB2588- This bill is about employee safety and air quality.

HB2683- This is about establishing an addiction treatment and prevention fund- we are tracking this because it could impact allocation of impaired driving funds.

HB2813- This is another bill about employee safety and air quality.

HB2829- This is another vehicle equipment bill, about studying the benefits/disadvantages of studded tires.

HB2985- This bill hopes to ensure racial and ethnic diversity on committees. This could impact the OTSC.

HB3015- This bill hopes to establish a task force to regulate personal delivery devices. Personal delivery devices are robots that deliver items instead of a person. These robots could be operating on sidewalks or possibly streets, which is why we are watching this bill.

HB3157- This is about interagency agreement (IAA) evaluations- if an agency is funded over \$1M, we will be required to conduct performance evaluations.

Chair Hoffer said he would like to touch base with Ms. Pearl offline to discuss the EMS items. Vice-Chair Ornelas asked about the State Trooper bill- he asked if there was funding for it and whether it is likely to pass. Ms. Pearl said there is no dedicated funding for it, and she can't speculate as to whether it will pass or not.

IX. NEXT MEETING & AGENDA BUILD

The next meeting will be held virtually on Wednesday, March 10th, 2021 at 9:00 a.m.

Topics for consideration at future meetings include:

- *DMV License Testing (CDL, Class C)*
- *Rest Areas – Truck Parking*
- *Safety Aspects of Roadway Engineering*
- *Karl Citek, M.S., O.D., PhD, FAAQ (Nystagmus – Part 1)*
- *Tim Plummer, OSP (Nystagmus and the DRE Program – Part 2)*
- *ODOT Office of Social Equity*
- *Judicial Outreach: on Eric Bergstrom presenting in March*
- *TSAP update: Mary McGowan presenting in March*
- *TSD update: replacement of Mr. Costales/OTSC member appointment – March*
- *2021 HSP Federal Funding Decisions: Mr. Costales/Ms. Pearl presenting in March*

X. ADJOURN

With no further business brought before the committee, Vice-Chair Ornelas officially adjourned the meeting at 11:55 a.m.