

DRAFT

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

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

Liaisons/Guests via Phone/Teams: Eric Bergstrom (JOL), John Westerhold (NHTSA), Lynn Zanto (NHTSA), Lieutenant Michael Iwai (OSP)

Staff via Phone: Troy Costales, Traci Pearl, Brandy Anderson Gillock, Dan Estes, Kelly Kapri, Kristin Twenge, Jeff Greiner, Billie-Jo Nickens, Vanessa Robinson, Rosalee Senger, Kayla Hootsmans

WELCOME AND INTRODUCTIONS:

Chair Hoffer called the meeting to order at 9am. 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.

PREVIOUS MONTH'S MINUTES:

Mr. Cooper pointed out an error in the minutes from February. On page three, it was written that they supported the first 10 out of the 12 bills that were discussed, but it should have said eleven, not ten.

MOTION: Mr. Cooper moved to approve the February minutes with the correction. Ms. Owens seconded. Call for vote; unanimous approval. Motion passed.

MEMBER REPORTS:

Ms. Owens said she had nothing to report.

Mr. Cooper said he had nothing to report.

Vice-Chair Ornelas reported that there was a Transportation Safety Action Plan (TSAP) workshop yesterday that was very informative. Next Thursday there is a Safe Routes to School (SRTS) meeting.

Chair Hoffer said he had no report. He is working with Nichole Charlson on some issues he wants to report about on Mt. Angel.

JUDICIAL OUTREACH LIAISON:

Judge Eric Bergstrom introduced himself as the Judicial Liaison for the state of Oregon and explained that the Judicial Outreach Program was developed in partnership by the National Highway Traffic and Safety Administration (NHTSA) and the American Barr Association. There are two national and eight regional Judicial Fellows, and one judge per state. There isn't one for every state yet, but the program is expanding. Oregon was one of the most recent states added. He shared a bit about his background. He was a deputy District Attorney (DA) in Multnomah County for 15 years and has been a Circuit Court Judge for 16 years. He has dealt with many DUII and vehicular homicides and also ran the intensive supervision program for repeat DUII offenders. NHTSA has tried to create a network of Criminal Justice professionals to work peer-to-peer on traffic safety issues. There is a law enforcement liaison in each state. Deena Ryerson is the Traffic Safety Resource Prosecutor partner and there is also a Probation Fellow. His role is to connect peers and teach judges how to hold hearings if they need guidance, and/or assist in any other ways he can, while staying impartial. He is working with Dan Estes and the GAC-DUII through this legislative session. The JOL group meets every few months to serve as resources for each other, keeping each other abreast of developments in other states. There is concern in several states about the decriminalization of drugs and Ballot Measure 110, so Judge Bergstrom is sharing information about this when asked. There is a new judge school twice a year where he trains new judges. Mr. Cooper asked Judge Bergstrom if he was familiar with the judicial training session held in Newport in March. He said it is for the Justices of the Peace and Municipal Court Judges and that Judge Steve Todd helps run the event. Mr. Cooper recommended that Judge Bergstrom send some of the new judges to the Newport training. Judge Bergstrom said he was just asked to be on a panel that will be working to develop curriculum for Justices of the Peace and Municipal Judges. The hope is to have a nationwide curriculum. Ms. Owens asked Judge Bergstrom if he had any contact with judges in other counties. He said he does, and that he is able to be available to them as well. Vice-Chair Ornelas asked Judge Bergstrom to describe his challenges and how he defines success. In regard to his challenges, he said the chief concern is the way that COVID has affected things in the court system; only some courts are running, and not being able to meet in person has made things more difficult. He said it is important to be a resource and not come across as someone who is trying to change the way people do things. In regards to how he defines success, Judge Bergstrom said whenever someone thanks him and says his advice or guidance was helpful, that is when he feels he has been a success. Chair Hoffer told Judge Bergstrom that as a street medic he often hears people bragging about their drug use and that it has gotten even worse lately, since Ballot Measure 110 passed. Judge Bergstrom agreed that what is going on in Oregon right now is scary. Ms. Owens said she is concerned about funds being used for drug addicts that could be available for others. Mr. Cooper asked if it was true that George Soros funded the effort to pass Ballot Measure 110. Judge Bergstrom confirmed that yes, over \$5 million of the \$6 million raised was donated by his organization to help get that Measure approved. Judge Bergstrom said he feels like we are going to see drug DUIIs and vehicular homicides increase. He believes our crime labs are going to need more support and Oregon

needs more drug recognition experts (DREs) patrolling. Ms. Owens asked if there was anything we could do to overturn this law. Judge Bergstrom said it can't be overturned, but it can be amended, but this typically won't happen when the people have spoken and voted a Measure in. Legislature does have a role in the implementation, and people can send letters to their Representatives, to make their voice heard on the issue. Mr. Costales asked about impaired driving and telephonic warrants for search and seizure: is this something we need to be providing tools or training about, in order to have more consistency around the state? Judge Bergstrom said that it would be helpful to provide more training, because in Multnomah County, when they still had a traffic division, it was very convenient to have warrant templates on iPads, so they were able to be pulled up right away in a traffic stop. It is important to be able to capture the accurate amount of drugs and alcohol in someone's system in a timely manner when they are stopped, as the levels can dissipate quickly. He said he will keep working with Deena Ryerson to see what DAs need in order to help support this being expanded around the state.

TSD REPORT:

Mr. Costales shared the Distracted Driving Awareness Declaration, which was a request to make April Distracted Driving Awareness month.

Ms. Owens moved to support the declaration. Vice-Chair Ornelas seconded the motion. Motion was approved unanimously by committee vote.

Mr. Costales discussed the 1300 report that will go to NHTSA for approval. It is the part of the Highway Safety Plan (HSP) for the coming year that only includes funds that touch the NHTSA program. The annual planning workshops in January helped shape this plan and the report is due to NHTSA by July 1st. This 1300 report will be in front of the OTSC at the May meeting for approval. The full HSP will be presented to the OTSC in September for approval.

LIAISON UPDATES:

GAC-MS

Ms. Pearl said that during Legislative session the GAC-MS meets monthly. The group met on Feb 25th. She reported that Kayla Hootsmans, our Governor Relations Representative, attended to discuss legislative issues. She said that Dan Estes was also present because the GAC-DUII and GAC-MS have chosen to partner this session. Ms. Pearl explained that SB0166 requires mandatory headlight use by all vehicles at all time. This is important to the GAC-MS because it could make motorcyclists less visible. A letter will be submitted in opposition to this bill by the GAC-MS. Chair Hoffer asked what the penalty is for an infraction. Ms. Pearl said it would be a \$265 fine and class B violation. SB0211 is about increasing Trooper staffing levels. The GAC-MS will be submitting a letter in support of this bill. SB0574 is the lane filtering bill. She reported that Senator Dembrow and Representative Post had spoken at the meeting in support of the bill, as they are sponsors of it. The GAC-MS provided testimony regarding their position of

neutrality at the hearing on March 2nd. HB3055 is about training reciprocity for out-of-state Oregonians. The GAC-MS will be submitting a letter in support of this bill. The next meeting is March 18th.

GAC-DUII

Mr. Cooper reported that he had attended the last GAC-DUII and that Mr. Estes had shared the new Senate Bill and House Bill numbers that had developed from the Legislative Concepts. He said the only one he knew would be having a hearing was the one regarding changing the word “accident” to “crash” in the Motor Vehicle Code. He shared that Judge Eric Bergstrom had shared a presentation on Ballot Measure 110 as well. Mr. Cooper said he wanted to reiterate again that the house judiciary is a ten-person committee. If a hearing is not granted by the Chairperson, someone can petition the committee members to get a majority vote (six votes) in order to have it heard. The Senate is a seven-person committee, so it only takes four votes to win the majority there, in order to get a hearing. Mr. Costales shared that additionally, regarding the 2022 HSP he mentioned earlier, that the number of alcohol-impaired fatalities and the number of miles traveled in Oregon make us a mid-range state when it comes to the Impaired Driving programs established by Congress. Every three years there must be an update to their strategic plan. The GAC-DUII is going to be revising that document and revisiting it their meeting on April 2nd. It will be part of the 1300 document coming in May to the OTSC. Mr. Estes shared that there are now more hearings scheduled; HB3144 and HB3140 have hearings scheduled on March 16th at 1pm with the House Judiciary Committee (HJC), according to the Chair of the HJC, Representative Bynum. The GAC-DUII has also asked Representative Bynum to prioritize getting a hearing for HB3136, which allows for DRE testimony without toxicology. Representative Noble is the Vice-Chair of the committee, so hopefully it will be heard. HB2002 is another one that should be on everyone’s radar. It is a re-write of Measure 11; which is about requiring mandatory minimum sentences. A hearing has been requested.

National Highway Traffic Safety Administration (NHTSA) Region 10

John Westerhold reported out for Lynn Zanto. He is Ms. Zanto’s backup for Oregon. He typically works in Alaska and Montana. He began his career in South Carolina, but recently relocated out west and found work with NHTSA. There is a Management Review scheduled for August 9-13th and he said for people to reach out to him or Ms. Zanto if they have any concerns. They will be virtual meetings.

FEDERAL FUNDING:

Mr. Costales explained the process of how federal funds are carried over from one year to the next and ran through the different programs and their funding detail.

Kelly Kapri, Dan Estes and Kristin Twenge presented the grant approval requests for their programs (copies of these are available on the OTSC website). Regarding the Yamhill County project request, Chair Hoffer asked if the officer in Yamhill will be a DRE. Ms. Twenge confirmed

that yes, the expectation was for the officer to be DRE trained. Mr. Cooper asked Mr. Estes how the additional funding would help deal with subpoenas (for the OSP crime lab project). Mr. Estes said that the new software and the additional administrative help would allow them to utilize their time more efficiently. Ms. Owens said she thinks all of those programs are valuable and she is in favor of approving additional funding for them. Vice-Chair Ornelas said he would like to increase the Traffic Records funding. Mr. Costales pointed out that the funding has increased for them in 2022. Vice-Chair Ornelas said he would like to increase the number of DREs as well. Mr. Costales said there is funding available under the 405(d) Impaired budget for this. **Ms. Owens motioned to approve funding for the four grant proposals on the consent calendars and Vice-Chair Ornelas seconded. Chair Hoffer called for a vote. Unanimous approval. Motion passed.**

PROGRAM UPDATES:

Region 5 Update

Billie-Jo Nickens reported out on current grant year for Region 5 and reviewed their current programs and funding. There is a copy of the Region 5 report on the [OTSC website](#). Work Zone funds and Roadway Departure funds are not included on the report because they are still working on project details and implementation.

She has been collaborating with Regional Training Coordinators to ensure training information is disseminated at the local and regional level consistently to Law Enforcement agencies. Trooper Ryan Clarke out of Ontario has been working on getting additional Advanced Roadside Impaired Driving Enforcement (ARIDE) trainings set up. He and Ms. Nickens and he have been sharing dates and promoting and coordinating communications on this to ensure information is getting sent out to officers.

Data for 2018 showed a significant jump in fatalities; there 13 fatalities when the average is closer to two to five. There was an eight-person fatality that year in Harney County that contributed to that spike, as well as a double motorcycle fatality just days later.

Region 4 Update

Vanessa Robinson reported out on Region 4 programs and funding. There is a copy of the Region 4 report on the [OTSC website](#). There has been an increase in speed and polysubstance crashes, and fatalities are higher. US 140W is the only Safety Corridor remaining. It is set to be decommissioned, but recent fatalities in January and February of 2021 have halted that. She is assembling a stakeholder group to discuss the project. There are no Traffic Safety Committees left in Region 4, as they have all disbanded. She is trying to help recreate interest groups to tackle some of these issues. She has reached out to local Sherriff's offices and public health offices to create campaigns.

In regards to the Hwy 97 corridor- she attended a stakeholder meeting in January where they discussed the law enforcement presence on Hwy 97 and narrowed the look at speed and polysubstance crashes. It is troubling that crashes are on the rise even though we are still under orders to stay home. Here is a link to an article she referred to in her presentation:

https://www.bendbulletin.com/localstate/a-deadly-year-on-u-s-highway-97/article_3a46c96a-7ae3-11eb-b13c-677cbb8b833c.html.

Region 3 Update

Rosalee Singer reported out on Region 3 updates, and a copy of the highlights is on the [OTSC website](#). COVID impacts continue to be a huge barrier for meeting people in person and having trainings. She saw a decrease in Region 3 for (Child Passenger Safety) CPS certified technicians, and is working on trying to hold in-person trainings again.

She was asked to join a radio show in April to discuss Distracted Driving with an insurance agent. She will be talking more with the Distracted Driving Program Manager, Kelly Kapri, before moving forward entail.

She helped coordinate a joint training in February for law enforcement with the Department of Public Safety Standards and Training (DPSST) and looks forward to doing more of these.

Work Zone Enforcement: She will be meeting with Scott Chalkley soon to discuss the 30-step process to help with overtime for law enforcement officers.

Region 3 has had a decrease in fatalities in 2019 and 2020, according to preliminary data.

Ms. Owens asked whether there were any Traffic Safety Commissions left in Region 3. Ms. Senger said that Douglas County and Jackson County still have committees but that there has been a decline in some areas.

Motorcycle Safety:

Jeff Greiner reported out on the Motorcycle Safety program and a copy of the report is available on the OTSC website. He said he did not meet his 2020 goals or performance measures. He is asking to hold the averages in 2022, based on listening sessions and other feedback. He is expecting more crashes and fatalities as a result of the passing of Ballot Measure 110. Vice-Chair Ornelas asked about the numbers of non-impaired crashes in contrast with impaired driving crashes. Mr. Greiner responded that we do have that data and that those numbers are reflected here; but that he was highlighting the impaired numbers because they were the leading cause of fatalities in motorcycle crashes, and then speed and then other factors. Mr. Cooper asked about the letter Chair Hoffer signed and the language used in it regarding the term "lane filtering" instead of "lane splitting." Ms. Pearl explained that they are calling it "lane filtering" because that is the way it is referred to in Legislature.

VIII. 2021 LEGISLATIVE UPDATES:

Mr. Costales brought up the letter that Chair Hoffer had submitted on behalf of the OTSC pertaining to SB0574. This occurred as a result of the Government Relations group reaching out to TSD staff to ask for input from the OTSC. Chair Hoffer did not have enough time to wait for today's meeting, so he submitted a letter on behalf of the OTSC. **Vice-Chair Ornelas moved to affirm the letter on SB0574 and Mr. Cooper seconded it. Chair Hoffer called for a vote. The motion passed with unanimous support.**

Ms. Pearl reviewed the legislative spreadsheet. There are eight bills of top priority:

HB3135: creates a 24/7 sobriety program. This is a NHTSA grant fund specific to impaired driving that Oregon does not currently qualify for. We have let the Government Relations team know that we are interested in tracking this.

HB3192: requires two patrol officers in patrol cars if there is a population of 350K or more.

SB0201: Guzman/Hedgpeth fix.

SB0211: requires at least 15 Patrol Troopers per 100K residents (and was referred to the Ways and Means Committee)

SB0490: just like SB0211, this Bill requires at least 15 Patrol Troopers per 100K residents (and was referred to the Judiciary and Ballot Measure 110 Implementation Committee)

SB0492: is about conducting a study on the impacts of Trooper levels.

SB0574- is the lane filtering bill. The GAC-MS testified on this on March 2nd.

Mr. Cooper asked for a copy of this document and Ms. Pearl said she would send it after the meeting. Vice-Chair Ornelas asked if there was any idea of the costs associated with the bills. Ms. Pearl said there was information on that and she would send it to him after the meeting. \$350K is her best guess for the startup costs for the 24/7 sobriety fund program.

Mr. Costales brought up the topic of how often Judge Bergstrom should visit as a liaison and suggested once a quarter was a good cadence. Mr. Cooper and Ms. Owens agreed.

Mr. Costales announced that the OSP liaison had changed from Nathan House to Lieutenant Michael Iwai. Lieutenant Iwai introduced himself and shared that he has taken over as of March 1st. He has been with the department for 24 years and is learning a lot about legislation right now.

Mr. Costales informed the group that the TSAP public hearing will be here at the OTSC in June. Mary McGowan (TSAP) will be visiting next month to report out on planning updates.

Mr. Costales said he would be speaking at the Ways and Means Committee regarding the ODOT budget and would update the OTSC on that in May.

Mr. Cooper asked for updates on the TSD Administrator position and the 5th member of OTSC. Mr. Costales said both of these are still in discussions. Mr. Costales said he will be coming back for retiree hours to cover any potential gap in coverage after he officially retires.

Chair Hoffer asked about the Equity Division- whether they would be coming to visit again soon. Mr. Costales said that TSAP update includes a lot of information about this and more would be discussed next month.

IX. NEXT MEETING & AGENDA BUILD

The next meeting will be held virtually on Wednesday, April 14th, 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*
- *TSAP update: Mary McGowan presenting in April*

X. ADJOURN

With no further business brought before the committee, Chair Hoffer officially adjourned the meeting at 12:24 p.m.