

## Senate Bill 1022

Date: Monday-May 14 Time: 3:00 P.M.  
Room: RM 357  
Public Hearing and Possible Work Session

### SB 101 A FIRST PUBLIC HEARING -

Phases in, beginning January 1, 2009, modified requirements, prohibitions and penalties for operation of Class I and Class III all-terrain vehicles on public lands.

SB 1022 A FIRST PUBLIC HEARING - Revises toll way statutes.

### SB 1022 ROAD TO TROUBLE

SB 1022 would provide new and more detailed rules and regulations for the creation, regulation, financing and operation of, toll roads in Oregon. ORS 802 already has several sections on this subject, and they are dubious enough. Now, with SB 1022, there would be an enhanced capacity to use, and enhanced incentive to create, toll roads. This makes It a Privilege to travel in our own County. Not a right Constitution right, by establishing new authorities and powers for the creation, financing, operation and maintenance of toll roads, this bill appears intended to hasten the day when toll roads crisscross our fair state. There are also sections (See Section 13) that enable the privatization of toll road operation, maintenance and even ownership. This only strengthens all the other reasons to oppose this bill.

#### I. Good Luck If You Are Job-Hunting

Tolls on roads are among the most regressive means of raising funds for a valid government activity, the creation and maintenance of public roads. They are, in this, like a sales tax - they hit everyone, almost everyday, but because they are not tied to income, or assets, or other forms of wealth,(PLUS raising your taxes to pay this) they make the working and poor families of the state pay a higher percentage of their income to them than they extract of wealthier motorists. Thus those who can least afford to pay them pay the highest percentage of their income to toll roads.

Oregonians have consistently rejected sales taxes, at least in part because of their nature as a penalty for being working class. The legislature should see the wisdom the people have shown and do the same to this bill. Unfortunately, it is now very close to law; if it cannot be stopped any other way, SB 1022 should be vetoed by the governor.

Otherwise, we shall see the day when the poorest of our workers - those who are still trying to find work, or keep minimum-wage jobs - cannot afford to pay the tolls. (Given the rising price x3 of gas, that day may not be so far off.) In a recession, we can easily imagine job hunters faced with a choice between food, Babysitter, Electricity, water, and toll fare, and having to choose the toll fare so they can go to job interviews. But even in good times, toll roads hammer the lower working families the hardest like you. They are a disgraceful way to raise transportation funds.

#### II. Big Brother is Videotaping You ... and Anybody, Just About, Can Get the Tape,

## Except You

There is another reason this bill takes us in the wrong direction. It would enable and authorize the videotaping of all vehicles - and presumably their drivers and perhaps also passengers - who use toll roads. This is dangerous. It will hasten the day when "Big Brother is Videotaping You." Further, once the videotape is made, there will be few limits upon what use can be made of it. Look at ORS 802.179 (Note, I have bolded the most obnoxious provisions - and this is existing law.)

"802.179 Exemptions from prohibition on release of personal information from motor vehicle records; rules," you will find that "(1) The Department of Transportation, upon request or as required by law, shall disclose personal information from a motor vehicle record to a government agency for use in carrying out its governmental functions.

(2) The department shall disclose personal information from a motor vehicle record for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of any of the following federal Acts:

- (a) The Automobile Information Disclosure Act.
- (b) The Motor Vehicle Information and Cost Saving Act.
- (c) The National Traffic and Motor Vehicle Safety Act of 1966.
- (d) The Anti-Car Theft Act of 1992.
- (e) The Clean Air Act.

(3)(a) If the department determines that a business is a legitimate business, the department shall disclose personal information to the business for use in the normal course of business in:

- (A) Verifying the accuracy of personal information submitted to the business; or
- (B) Correcting personal information submitted to the business, but only in order to:
  - (i) Prevent fraud or in cress it;
  - (ii) Pursue legal remedies against the individual who submitted the personal information; or
  - (iii) Recover a debt from, or satisfy a security interest against, the individual. "Your home"

(b) The department shall adopt rules specifying the kind of information that the department will accept as evidence that a business is a legitimate business. This will be costing businesses thousands and you the consumer the taxpayer

- (4) The department shall disclose personal information to:
- (a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency registered under ORS 697.031 for use in connection with a civil, criminal, administrative, or arbitration proceeding in any court, government agency or self-regulatory body. Permissible uses of personal information under this paragraph include, but are not limited to, service of process, investigation in anticipation of litigation and the execution and enforcement of judgments and orders.
  - (b) A process server acting as an agent for an individual for use in serving documents in connection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities of a process server when acting as an agent for an attorney, collection agency or like person or for a government agency.

(5) The department shall disclose personal information other than names to a researcher for use in researching health and educational questions and providing statistical reports, as long as the personal information is not published, re-disclosed or used to contact individuals. The department may disclose information under this subsection only for research sponsored by an educational institution or a health research institution.

(6) The department shall disclose personal information to an insurer, an insurance support organization or a self-insured entity in connection with claims investigation activities, anti fraud activities, underwriting or rating.

(7) The department shall disclose personal information regarding ownership or other financial interests in a vehicle to a person who is required by the state or federal Constitution, a statute or an ordinance to give notice to another person concerning the vehicle. Personal information disclosed under this subsection may be used only for giving the required notice. Persons authorized to receive personal information under this subsection include, but are not limited to:

(a) Tow companies and PROFITS;

(b) Persons who have or are entitled to have liens on the vehicle; and

(c) Persons taking an action that could affect ownership rights to the vehicle.

(8) The department shall disclose personal information to any private security professional certified under ORS 181.878, to be used for the purpose of determining ownership of vehicles parked in a place over which the private security professional, acting within the scope of the professional's employment, exercises control.

(9) The department shall disclose personal information to the employer of an individual who holds a commercial driver license, or the insurer of the employer, to obtain or verify information about the holder of the commercial driver license.

(10) The department shall disclose personal information to the operator of a private toll facility for use in collecting tolls.

(11) The department may not disclose personal information for bulk distributors of surveys, marketing materials or solicitations except as provided in this subsection.

The department shall implement methods and procedures to ensure:

(a) That individuals are offered an opportunity to request that personal information about themselves be disclosed to bulk distributors; and

(b) That the personal information provided by the department will be used, rented or sold solely for bulk distribution of surveys, marketing materials and solicitations.

(12) The department shall disclose personal information to a person who requests the information if the requester provides the department with written permission from the individual whose personal information is requested. The written permission from the individual must be notarized.

(13) The department shall disclose personal information to a person who is in the business of disseminating such information under the following conditions:

(a) In addition to any other requirements under the contract executed pursuant to paragraph (b) of this subsection, the person requesting the information must file a performance bond with the department in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and its form is subject to approval by the Attorney General.

(b) The disseminator shall enter into a contract with the department. A contract under this paragraph shall contain at least the following provisions:

(A) That the disseminator will not reproduce or distribute the personal information in bulk but only in response to an individual record inquiry.

(B) That the disseminator will provide the personal information only to a person or

government agency authorized to receive the information under this section and only if the person or government agency has been authorized by the department to receive the information.

(C) That the disseminator will have a method of ensuring that the disseminator can delay for a period of up to two days the giving of personal information to a requester who is not a subscriber.

(14) The department shall disclose personal information to representatives of the news media for the gathering or dissemination of information related to the operation of a motor vehicle or to public safety.

(15) The department shall disclose personal information as provided in ORS 802.220 (5).

(16) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under this subsection may include, but need not be limited to, rules establishing procedures for the department to verify the financial interest of the person making the request for personal information.

(17) The department shall adopt rules providing for the release of personal information from motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns property that is damaged because of the unsafe operation of a vehicle.

(18) The department shall disclose personal information to a private investigator licensed by any licensing authority within the State of Oregon, to be used for any purpose permitted any person under this section. A licensed private investigator requesting information must prove to the department that the person has a corporate surety bond, an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or such other security as the Department of Public Safety Standards and Training may prescribe by rule in the minimum amount of \$5,000 or errors and omissions insurance in the minimum amount of \$5,000.

(19) The department shall disclose personal information to a procurement organization as defined in ORS 97.950 for the purpose of facilitating the making of anatomical gifts under the provisions of 97.952. [1997 c.678 §4; 1999 c.24 §1; 1999 c.312 §2; 2001 c.231 §1; 2003 c.576 §565; 2005 c.291 §1; 2005 c.447 §15; 2005 c.505 §6; 2005 c.613 §27]”

With this long a list of “exceptions” to the prohibition to disclosure of motorist information, the statute could be properly titled, “all those to whom ODOT can disclose motorist information.” If there is any category of potentially interested party who might want your driving info left who cannot get that info, it is beyond my power to figure out who that might be. With SB 1022, the information that can be disclosed will now include videotapes of your smile, the brand of cigarette you smoke, which newspaper or magazine you have in the car, etc.

### III. Innocent Until Proven What?

Worse, this bill would let the agency or business that owns the road deny access to it to a motorist who didn't pay the toll that last time he drove by. Whatever happened to innocent till proven guilty? And must we give the right to skip proving guilt to private companies? Do we really want to go down this road?

### IV. Give Us a Reason

If this Abomination must pass, then give the citizen some benefit from it. Here's a sugar coating for this noxious pill, er, excuse me, bill. The legislature could require that 50% of the net income (after maintenance, salaries as may be directly tied to toll roads, and debt repayment) be returned to the residents of the state of Oregon (if it's a state road) or the county or city that built the toll road (or counties or cities) . Each lawful residence thereof could get his and her percent of that net income (or, in the case of a privatized road, profit) and thus get something back for having to suffer with the impairment of his or her freedom of travel.

Can WE SAY Adolph Hitler Wasn't King James and George was the one who beheaded you for not paying the TOLL.

Don't forget REAL history.

PAPERS PLEASE, PAPERS or go to jail or get killed.

What else would you say NO to?

USA citizens: Read the REAL treaty With Great Britain 1846.

PS Don't forget ODOT laws that were passed last session House Bill 3464, ORS 802.179 and 802.181. That makes it PLASABLE THIS Could BANKRUPT US ALL

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GOD BLESS

#### FURTHER THOUGHTS ON SB 1022

SB 1022, which would open up Oregon's public highways to privatization, is part of a rush to privatize state highways across the U.S. Yet the fact that this kind of move is popular does not make it right. Herewith, further reasons to oppose this boondoggle.

1. In the short run, every state that sells its highways to the private sector will collect a pretty penny and be able to do good and useful things with the money. They might even improve roads that they do not sell, making the politicians who did the deed seem, for the nonce, as wise as Solomon. Free money! Without taxes! Potholes Fixed! But later on, the new owners of the roads may not wish to maintain them very well, or only maintain high-profit roads - or only maintain first-class lanes in their privately owned highways, allowing the hoi polloi to bump along on decaying lanes while the limousines of the few have handsome, smooth lanes to travel upon.
2. There will likely be a "race to the bottom" among the jurisdictions to see which can attract the most investment capital. So the 50 states and thousands of counties and

cities would wind up accepting dubious deals from the half-dozen or so financial houses now in this market.

3. Goldman Sachs, Citigroup and the other Wall Street titans now busily maneuvering the buy public roads will rake in immense profits. That is why they are so interested in this! Whose pockets will those profits come from? The middle and working classes that drive the roads - not the rare few who can telecommute or who have retired comfortably from their jobs on Wall Street. (And, of course, elsewhere, but we have to be a bit rhetorical now and then.) Net result: a huge wealth transfer from the middle and working stiffs to the already well-to-do, with the wheels greased by legislatures that purport to be doing a good thing for their constituents they claim. Two or more Generations who are Real Americans

4. One recalls a line from a John Lennon song (from the "Imagine" album):  
"And you think you're so clever and classless and free,  
But you're just f#####g peasants as far as I can see."

The privatization of our roads, highways, bridges and tunnels will hurt the working and middle classes, further separate "the people" from public policy decisions that affect their lives, and so weaken democracy. It may be only one additional step - or one additional mile - on the road to slavery, but that, ultimately, is where this road leads.