



Corpac Construction was hired by the Port last year to rehab runway 13-31, in the foreground.

Airport paver sued over contract

By **EDWARD STRATTON**
The Daily Astorian

A subcontractor has sued Corpac Construction Co., a general contractor hired last year by the Port of Astoria to rehab a runway at the Astoria Regional Airport, over claims it was stiffed \$70,000.

Lawyers for structural and civil engineering firm Harper Houf Peterson Righellis claimed to have provided \$129,067 worth of services to Corpac

but only been paid \$58,403. The company claims Corpac still owes \$70,663, along with interest and attorney fees.

The work at the airport was paid for by a Federal Aviation Administration grant received by the Port, which was named as a plaintiff as owner of the project and the conduit for funding from the federal government.

Named as a defendant along with Corpac was the Contractors Bonding & Insurance Co., as the entity responsible for ensuring payment through a surety

bond. Harper Houf Peterson Righellis is entitled to payment from either entity under the terms of the surety bond and state law, the firm's attorney argued.

Corpac already had \$50,836 deducted from its \$3.8 million contract with the Port for not finishing the airport project within 75 days as agreed. The bid by Corpac was approximately \$1 million lower than previous bids the Port had received, meaning the agency has \$1.1 million left it plans to use on related airport improvement projects.

New distracted driving law expands ban on cellphones

All mobile devices covered

By **PARIS ACHEN**
Capital Bureau

SALEM — A new distracted driving law that takes effect in October expands an existing ban on using cellphones while driving to all electronic mobile devices and stiffens fines and penalties.

The law is aimed at improving safety conditions on Oregon roads. Drivers who talk on the phone are more than four times, and those who text are more than 23 times, more likely to have a crash, according to a report by the Oregon Department of Transportation's Distracted Driving Task Force.

Violators face a fine of \$130 to \$1,000 for their first offense, \$220 to \$2,500 for their second offense, and a Class B misdemeanor conviction with a minimum fine of \$2,000 and up to six months in jail for their third offense.

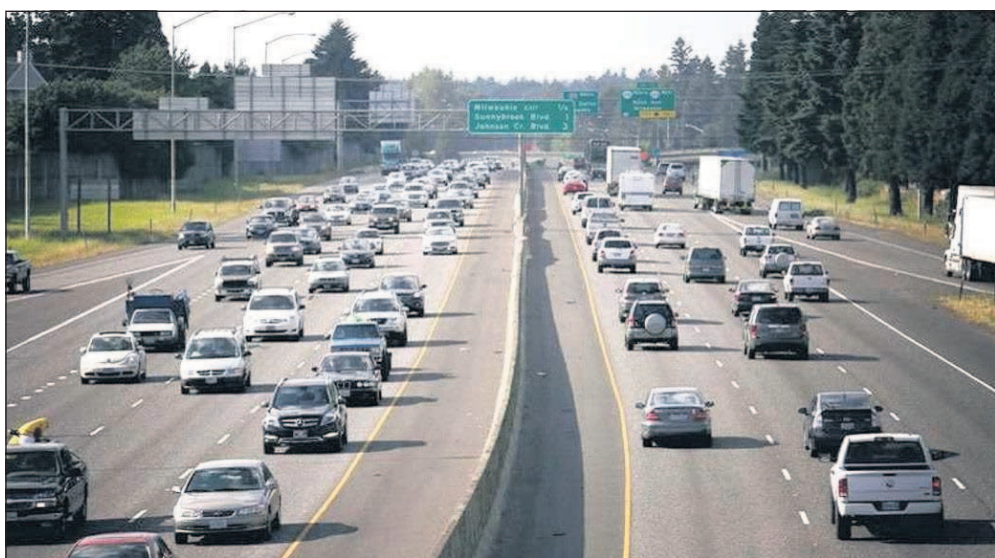
First-time offenders can avoid the fine by taking a distracted driving avoidance course, but the violation will remain on their record.

So, what can you still do with your mobile electronic devices while driving once the law takes effect?

When state lawmakers earlier this year changed the law, they came up with a limited list of exceptions to the ban. None of the exceptions apply to drivers younger than 18.

Hands-free devices: Hands-free or built-in devices activated by voice command or activated while off the road are exempt from the ban.

Drivers also may talk on the phone while driving, if the phone is set to speaker mode and is not in their hand, said



Pamplin Media Group

New restrictions to using mobile devices while driving go into effect in Oregon Oct. 1.

Lt. Timothy Tannenbaum of the Washington County Sheriff's Office.

"You can have a conversation while it's on your dashboard, or on the seat next to you, as long as you're not having to type in numbers or manipulate the phone," he said.

Traci Pearl, a manager with the Oregon Department of Transportation's Safety Division, said a mounted phone is a safer alternative to looking down at the seat or console, but both ways are legal.

Single touch or swipe: Changes to the law allow drivers a single touch or swipe of a screen or button to activate or deactivate a device or function.

This is the exception that allows drivers to answer a phone call, or start a navigation map. It also is meant to allow Uber and Lyft drivers to respond to calls for service.

"If you can push one button to call the office, you are OK, but if you have to dial a phone number, that is not OK," Pearl said.

Parked: If one swipe was inadequate to find a desired destination, a driver could,

under the law, pull over on the side of the road or in a parking space and legally use their electronic mobile device to, say, type in an address. But don't try to do it at a stop sign or stop light. You could get a ticket.

Emergencies: Drivers who are experiencing a medical emergency and have no passengers may use a mobile electronic device to summon help.

Truck and bus drivers: The law makes exceptions to the regulations for truck and bus drivers, who cannot be cited provided they are abiding by federal rules for commercial driver's licensees.

Radio traffic: CB users, bus drivers, utility and truck drivers may use a two-way radio only for employment purposes.

Emergency responders: Police, paramedics and firefighters may use electronic mobile devices when responding to an emergency call.

Ham radio operators: Old-school ham radio operators could be a safety net for communication in the case of a

natural disaster, such as a major earthquake, when other communication systems are down. That earned them an exception to the new restrictions.

The stricter law, born out of House Bill 2597, was a response to an incident in Washington County.

Oregon State Police arrested Beaverton resident Esmira Rabanales-Ramos on drunken driving charges after a trooper reportedly saw the glow of a cellphone illuminate her as she drove.

In 2015, the Oregon Court of Appeals ruled the trooper had no probable cause to stop her, because using a cellphone wasn't against the law, only using it to communicate.

House Bill 2597 "makes the law compliant with the intent," Tannenbaum said. "The intent was to get phones out of people's hands. It's not hard to tell who is manipulating a phone. Surfing the internet or checking Facebook while driving is just as dangerous as talking or texting."

Geoff Pursinger of the Hillsboro Tribune contributed to this story.

Ballot title approved for health care funding referendum

By **CLAIRE WITHYCOMBE**
Capital Bureau

SALEM — Although a legislative committee approved a ballot title and explanatory statement for a potential referendum on health care funding Wednesday, it's likely not the last battle in the continuing war of words over the issue.

A trio of Republican lawmakers hope to get sections of the state's health care funding legislation — which uses assorted revenues to help pay for the state's Medicaid program, called the Oregon Health Plan — on the ballot in a special election in January.

They say they are challenging assessments on hospitals, insurers and coordinated care organizations, the regional networks of providers serving patients on the Oregon Health Plan.

The petitioners include Republican state Reps. Julie Parrish, of Tualatin/West Linn; Cedric Hayden, of Roseburg; and Sal Esquivel, of Medford.

If they are successful in gathering nearly 59,000 signatures by Oct. 5, voters will have a chance to weigh in on Jan. 23. Parrish declined to say how many signatures the petitioners had gathered as of Wednesday, saying only that there were "lots."

But legal issues are percolating over the ballot title language and the text of the referendum petition itself. The ballot title is a statement sum-

marizing the initiative and its impacts printed on the petition.

Legal challenges to the ballot title go directly to the Oregon Supreme Court.

Parrish said she plans to file a legal challenge to the ballot title and explanatory statement that the committee approved in a 5-1 vote Wednesday afternoon.

The petitioners also contest an August legal opinion in which legislative counsel found that a "no" vote would merely delay the implementation of, not do away with, a 0.7 percent assessment on certain hospitals.

"That's a separate litigation question outside of the ballot title," Parrish said.

At issue at the committee's meeting Wednesday, though, were the official descriptions that voters will see in January if the measure qualifies for the ballot.

Social services groups and unions have said the ballot title language that lawmakers approved doesn't go far enough in explaining the impacts of striking down the funding package, specifically how many low-income Oregonians would be effected.

Meanwhile, Secretary of State Dennis Richardson, who oversees the state's elections, in written testimony criticized the language of the draft caption, calling it "unreasonably long and confusing." He adding that the language describing the funding package should include the word "tax."

Weyerhaeuser wants waiver from fish passage rules

By **KATIE FRANKOWICZ**
The Daily Astorian

A timber company has requested a waiver from fish passage requirements for a failed culvert on land near East Humbug Creek in Clatsop County, proposing instead to open a nearby area for fish passage.

The Oregon Department of Fish and Wildlife is seeking public comment on the request.

Weyerhaeuser Western Timberlands would replace the damaged culvert on an unnamed tributary of East Humbug Creek with a new culvert. The company says in its application that creating fish passage at this particular site would be "extremely difficult to achieve, if at all," due both to the placement of the current culvert and the nature

of the stream. The tributary is home to both coho salmon and steelhead, among other species, all present downstream.

The mitigation site the company suggests for fish passage, another unnamed tributary, is more attractive. The stream is wider and a site visit by the fish and wildlife department confirmed 1,752 feet of fish habitat exists upstream of

a culvert that the state believes likely acts as a barrier to fish when water flows are high.

Michael Sinnott, a state fish biologist, says it is possible cut-

throat trout, coho salmon, winter steelhead and even Pacific lamprey would use the habitat once it was available to them consistently.

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