

## ConnectOregon IV Legislation

**367.080 Multimodal Transportation Fund.** (1) As used in ORS 367.080 to 367.086, “transportation project” has the meaning given that term in ORS 367.010.

(2) The Multimodal Transportation Fund is established separate and distinct from the General Fund. Earnings on moneys in the Multimodal Transportation Fund shall be deposited into the fund. Moneys in the Multimodal Transportation Fund are continuously appropriated to the Department of Transportation for the purposes described in subsection (3) of this section and in ORS 367.086.

(3) The department shall use moneys in the Multimodal Transportation Fund to provide grants and loans for transportation projects as provided in ORS 367.080 to 367.086. Grants and loans may be provided only for projects that involve one or more of the following modes of transportation:

- (a) Air;
- (b) Marine;
- (c) Rail; and
- (d) Public transit.

(4) All moneys received by the department as interest on loans made under this section and as repayment of principal of loans made under this section shall be deposited into the Multimodal Transportation Fund. [2005 c.816 §1]

**Note:** 367.080 to 367.086 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 367 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Sections 20 and 21, chapter 624, Oregon Laws 2011, provide:

**Sec. 20.** (1) For the biennium beginning July 1, 2011, at the request of the Oregon Department of Administrative Services, in consultation with the Department of Transportation, the State Treasurer is authorized to issue lottery bonds pursuant to ORS 286A.560 to 286A.585 in an amount not to exceed net proceeds of \$40 million for the purpose described in subsection (2) of this section, plus an additional amount, to be estimated by the State Treasurer, for payment of bond-related costs.

(2) Net proceeds of lottery bonds issued pursuant to this section must be deposited in the Multimodal Transportation Fund established under ORS 367.080 sufficient to provide \$40 million in net proceeds and interest earnings for the Department of Transportation to finance grants and loans for transportation projects as provided in ORS 367.080 to 367.086.

(3) Bond-related costs for the lottery bonds authorized by this section must be paid from the gross proceeds of the lottery bonds and from allocations for the purposes of ORS 286A.576 (1)(c).

(4) The Legislative Assembly finds that issuing lottery bonds to finance transportation projects pursuant to this section is essential to promoting the state’s economic development and the use of lottery bond proceeds is authorized based on the following findings:

(a) There is an urgent need to improve and expand publicly owned and privately owned transportation infrastructure to support economic development in this state.

(b) A safe, efficient and reliable transportation network supports the long-term economic development and livability of this state.

(c) A multimodal network of air, rail, public transit, highway and marine transportation moves people and goods efficiently.

(d) Local governments and private sector businesses often lack capital and the technical capacity to undertake multimodal transportation projects.

(e) Public financial assistance can stimulate industrial growth and commercial enterprise and promote employment opportunities in this state.

(f) Public investment in transportation infrastructure will create jobs and further economic development in this state.

(g) The use of lottery bond proceeds as provided in this section will create jobs, further economic development, finance public education or protect parks, watersheds, fish or wildlife within Oregon, and issuance of lottery bonds for the purpose described in this section is therefore an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution, and ORS 461.510. [2011 c.624 §20]

**Sec. 21.** To the extent that proposed transportation projects meet the qualifications established by the Oregon Transportation Commission by rule, the commission shall allocate at least 10 percent of the net proceeds of the lottery bonds authorized by section 20 of this 2011 Act to each region described in this section. For purposes of this section, the regions are as follows:

(1) Region one consists of Clackamas, Columbia, Hood River, Multnomah and Washington Counties.

(2) Region two consists of Benton, Clatsop, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Yamhill Counties.

(3) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

(4) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco and Wheeler Counties.

(5) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and Wallowa Counties. [2011 c.624 §21]

**367.082 Grants and loans from Multimodal Transportation Fund; rules.** (1) Except as provided in subsection (2) of this section, the Department of Transportation may provide, from moneys in the Multimodal Transportation Fund established by ORS 367.080:

(a) Grants for transportation projects to public bodies, as defined in ORS 174.109, and to private entities; and

(b) Loans for transportation projects to public bodies, as defined in ORS 174.109, and to private entities.

(2) Grants and loans may not be made from the Multimodal Transportation Fund for transportation projects that could constitutionally be funded by revenues described in section 3a, Article IX of the Oregon Constitution.

(3) The Department of Transportation shall adopt rules:

(a) Specifying the process by which a public body or private entity may apply for a loan under this section and prescribing the terms and conditions of loans, including but not necessarily limited to interest rates and repayment schedules; and

(b) Specifying the process by which a public body or private entity may apply for a

grant under this section and prescribing the terms and conditions of grants, including but not necessarily limited to a requirement that the public body or private entity receiving the grant provide at least 20 percent of the moneys required for the transportation project. [2005 c.816 §3]

**Note:** See first note under 367.080.

**367.084 Selection of projects.** (1) The Oregon Transportation Commission shall select transportation projects to be funded with moneys in the Multimodal Transportation Fund established by ORS 367.080.

(2)(a) Prior to selecting aeronautic and airport transportation projects, the commission shall solicit recommendations from the State Aviation Board.

(b) Prior to selecting freight transportation projects, the commission shall solicit recommendations from the Freight Advisory Committee.

(c) Prior to selecting public transit and rail projects, the commission shall solicit recommendations from its public transit and rail advisory committees.

(d) Prior to selecting marine projects, the commission shall solicit recommendations from the Oregon Business Development Department.

(3) In selecting transportation projects the commission shall consider:

(a) Whether a proposed transportation project reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor;

(b) Whether a proposed transportation project results in an economic benefit to this state;

(c) Whether a proposed transportation project is a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system;

(d) How much of the cost of a proposed transportation project can be borne by the applicant for the grant or loan from any source other than the Multimodal Transportation Fund; and

(e) Whether a proposed transportation project is ready for construction. [2005 c.816 §4; 2007 c.859 §3]

**Note:** See first note under 367.080.

**367.086 Administration of projects.** (1) The Oregon Transportation Commission shall transfer moneys for aeronautic and airport transportation projects selected under ORS 367.084 from the Multimodal Transportation Fund to the Oregon Department of Aviation, which shall administer the projects. The amount transferred shall include moneys to pay administrative costs incurred by the Oregon Department of Aviation in carrying out the provisions of ORS 367.080 to 367.086.

(2) Except as provided in subsection (1) of this section, the Department of Transportation shall administer all transportation projects that are selected under ORS 367.084. The department may use moneys from the Multimodal Transportation Fund to pay administrative costs incurred by the department in carrying out the provisions of ORS 367.080 to 367.086. [2005 c.816 §6]

**Note:** See first note under 367.080.