



Oregon
Department
of Transportation



Legislative Summary

2017

2017 Regular Session of the Oregon Legislative Assembly



Oregon’s annual legislative session came to a close on July 7, 2017. There were 2829 bills, memorials and resolutions introduced during the 2017 session and of those, the legislature passed 881.

Legislators advanced a number bills, memorials and resolutions that directly or indirectly affect ODOT, including passing a multi-modal transportation funding package. If you have questions about 2017 transportation-related legislation, please contact government relations staff.

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Copies of 2017 enrolled bills (the copy that the Governor signs) may be found on the legislative web site: <https://olis.leg.state.or.us/liz/2017R1/Measures/list/>.

Measures as they were signed into law are known as “session laws” and are available on the legislative web site under Oregon Laws. Permanent laws passed during the 2017 Legislative Session will not be codified until the 2017 edition of the Oregon Revised Statutes is released. The 2017 ORS will be distributed and made available online in January or February 2018.

Cover photos:
OR 99W: Newberg-Dundee Bypass
Spring at Oregon’s State Capitol



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House Measures

Transportation Funding Package

House Bill 2017

Effective date: October 6, 2017

House Bill 2017 is a statewide multimodal transportation investment bill. The Oregon Legislature last enacted a transportation package in 2009, with the passage of the Jobs and Transportation Act (HB 2001). Since then, Oregon continues to face ever-growing traffic congestion in the Portland Metro region and struggles to keep pace with maintenance of the transportation system as revenues decline over time.

In 2016, the legislature created the Joint Committee on Transportation, Preservation and Modernization tasked with developing a comprehensive transportation funding package for consideration during the 2017 session. For over five months, the Joint Committee toured the state and held public hearings in order to fully understand the need for transportation investment. The public responded with consistent calls for increased investment in transit, maintenance of roads and bridges, seismic resiliency, and congestion relief. Upon commencement of the 2017 session, the Joint Committee formed five work groups to develop recommendations for highway preservation, congestion relief, multimodal investments, public transit, safety, and accountability. The combined efforts of the Joint Committee, stakeholder groups, state agencies, and the public culminated into House Bill 2017.

House Bill 2017 introduces additional accountability measures for the Department of Transportation (ODOT), including additional requirements of the Oregon Transportation Commission. The bill also creates a permanent legislative joint committee on transportation responsible to oversee ODOT, including ODOT's policies and budget.

The bill increases light and heavy vehicle registration fees, title fees, fuel taxes, and weight-mile tax rates and directs the additional revenue to highway maintenance, preservation, seismic upgrades and safety, including specific projects across the state. HB 2017 also increases the amount of money going to small cities and counties. Additionally, the bill creates a Safe Routes to School infrastructure program in Oregon to reduce barriers and hazards to children walking or bicycling to and from school.

The bill directs revenue from multiple sources to Connect Oregon for multimodal transportation. The bill divides Connect Oregon into two programs and requires the Oregon Transportation Commission to streamline the process for submitting applications. Additionally, HB 2017 directs a small portion of the fuels tax revenue, from fuel used to operate or propel motor boats, which is transferred to the Marine Board to be used for maintenance dredging projects.

HB 2017 creates a vehicle privilege tax, a vehicle use tax, and a bicycle excise tax and directs the new revenue to highway projects and Connect Oregon. The bill requires the Oregon Transportation Commission to establish a congestion relief program and directs the commission to implement value pricing on specific sections of Interstate 205 and Interstate 5. A portion of funding from the vehicle privilege tax is dedicated to providing rebates to purchasers of new light duty zero-emission or plug-in hybrid electric vehicles. HB 2017 also creates a new legislative task force on mega transportation projects to study how Oregon selects and approves mega transportation projects, which are defined as projects greater than \$360 million with a high level of public and political interest.

HB 2017 creates a new statewide tax on wages paid by an employer for services performed in Oregon. The bill directs the new revenue to public transit operations.

HB 2017 transfers additional rest areas and associated funding from ODOT and the Oregon Parks and Recreation Department (OPRD) to the Travel Information Council to operate and maintain. The bill also requires the transfer of specific transportation facilities between the state and local jurisdictions. The bill also requires the Oregon Transportation Commission to create a statewide winter maintenance strategy that includes the use of salt.

Oregon Medal of Honor Highway – US 20

House Bill 2100

Effective date: October 6, 2017

House Bill 2100 allows the Oregon Department of Transportation to place and maintain markers in roadside rest areas and turnouts honoring the current 26 individual Medal of Honor recipients and any future recipients. In addition, the entire stretch of US Highway 20 beginning in Newport, Oregon and ending at the Oregon-Idaho border will be designated the Oregon Medal of Honor Highway.

The bill gives the Department authority to accept funds from and enter into agreements with veterans groups to create, install, and maintain the markers. HB 2100 identifies the names of 26 recipients across 12 cities and communities who have received Oregon's Medal of Honor.

One-Time Reduced Vehicle Registration Fee for Prisoner of War Survivors

House Bill 2149

Effective date: January 1, 2018

House Bill 2149 allows Oregonians who qualify for prisoner of war license plates to never pay another registration renewal fee, and allows those who obtain these plates in the future to pay a one-time low-cost registration fee.

A prisoner of war is a person who was forcibly detained or interned in the line of duty, by an enemy government or hostile force during a period of war, or by a foreign government or hostile force under circumstances comparable to those who have been forcibly detained or interned by enemy governments during times of war. The plate is available to those who served in the active military, naval, or air service of the United States or one of its allies.

Motor Carrier Streamlining

House Bill 2291

Effective date: January 1, 2018

House Bill 2291 makes two changes to the law regulating commercial motor vehicles on Oregon's highways. It allows ODOT's motor carrier enforcement officers to cite regulated trucks for obscured license plates, just as they can cite for many other equipment offenses. ODOT uses license plate readers to efficiently call up carrier data while trucks continuously roll. Obscured license plates cause delay at weigh stations and ports of entry because enforcement officers must stop vehicles to manually identify license plates.

HB 2291 also modernizes the weight calculation for commercial buses for the sake of registration and weight-mile tax, so that it matches the method used for all other heavy vehicles. The existing method is an archaic formula based on the number of seats on the bus and an assumed weight of the individual who would fill each seat. HB 2291 makes buses subject to the same weight method as all other heavy vehicle types: the gross vehicle weight rating (GVWR) of the vehicle.

The department introduced House Bill 2291 to improve efficiencies within the Motor Carrier Transportation Division.

Rail Fixed Guideway Technical Corrections

House Bill 2292

Effective date: January 1, 2018

House Bill 2292 makes minor technical modifications to statute which keep the Oregon Department of Transportation in compliance with federal regulations and ensure continued Federal Transit Administration grant funding into the future.

ODOT is the designated State Safety Oversight (SSO) Agency responsible for safety oversight of rail fixed guideway systems in Oregon. The SSO program is mandated by federal law. Oregon has two fixed rail guideway systems that are subject to regulations under the program: the Tri-Met MAX light rail and the City of Portland's Streetcar.

Federal rules governing SSO programs were changed in late March 2016. The department introduced House Bill 2292 to bring Oregon law into alignment with federal rules. With the enactment of HB 2292, Oregon will continue to receive Federal Transit Administration grants to cover SSO program costs. Failure to comply could have resulted in the loss of all FTA grant funds to all state recipients.

Maximum Supervisory Ratio

House Bill 2332

Effective date: January 1, 2018

House Bill 2332 repeals the current statutory provisions around supervisory ratios and reporting of supervisory ratios to the legislature and replaces those provisions with a new standard. The new standard requires agencies to maintain a baseline ratio of 11 to 1. It allows agencies to consider specific factors in determining an appropriate ratio for the agency and adjust the ratio to more appropriately fit the agency's needs if justified. Additionally, the bill prohibits agencies from filling supervisor positions if it would impact the agencies' established ratios and allows DAS to grant exceptions to fill positions above the established ratio in specific circumstances. The bill requires DAS to report to labor organizations and make public reports of the actual supervisory ratio for each agency.

Photo Radar Citations in Combination with Red Light Cameras

House Bill 2409

Effective date: October 6, 2017

House Bill 2409 permits cities to issue citations for speeding using red light cameras in conjunction with other technology that is capable of measuring speed. The authority exists even when a police officer is not present. The bill applies to speeding violations 11 miles per hour or greater. If the speeding violation is between 11 and 20 MPH, the jurisdiction may only issue one ticket – speeding or red light violation – not both. If the speeding violation is more than 20 MPH over, the jurisdiction may issue both a speeding ticket and a red light violation ticket.

Based on data from city Red Light Camera Reports submitted to Legislative Assembly, it is assumed that the long-term effect of HB 2409 will decrease the number of convictions for failure to obey a traffic control device and exceeding a designated maximum speed.

Local jurisdictions are responsible for installing and maintaining traffic control technology and signs related to this law.

Heavy Truck Weight Exception for Certain Technologies

House Bill 2462

Effective date: January 1, 2018

House Bill 2462 allows motor carriers using idle reduction systems to exceed the weight limits established in Oregon law by 550 pounds, an increase from the 400 pounds in existing law. The bill further allows motor carriers who use natural gas as a fuel source to exceed the weight limits established in Oregon law by 2,000 pounds.

The equipment necessary for natural gas powered trucks and idle reduction systems weigh more than just the fuel for a diesel powered truck. The storage equipment necessary for a natural gas fueled truck weighs roughly 2,000 pounds more than the standard diesel powered truck and the batteries required for an idle reduction system add an additional 500 pounds. Federal law allows states to increase gross vehicle weights to compensate for this additional weight, so that freight carriers are not penalized for using pollution-reducing technologies.

DMV Integrator Role Expanded

House Bill 2463

Effective date: May 25, 2017

House Bill 2463 gives the Oregon Department of Transportation, Driver and Motor Vehicle Services, broader authority to use private businesses and persons other than employees to conduct vehicle-related transactions and process taxes and fees for vehicle-related transactions for which the department is responsible. The bill allows, but does not require, the agency to enter into agreements that utilize third parties and business integrators to deliver products and services.

HB 2463 enables greater use of this service delivery model if it is in the best interests of the public and is a convenience to the agency. DMV currently has one integrator that facilitates transactions between motor vehicle dealers and DMV.

Utility Truck Oversize Permit Exemption in Emergencies

House Bill 2568

Effective date: June 8, 2017

House Bill 2568 exempts utility companies (and carriers hauling for them) from oversize permit requirements when hauling long poles if there is an emergency disruption in utility services, outside of the relevant government offices' business hours, regardless of overall length.

ODOT permit writers are available 24-7 but most counties' offices are not. Therefore the utilities will continue to contact ODOT for permission even in case of emergency; the counties will be notified some time later of the route the utility traveled.

Dory Trailer Brake Exemption

House Bill 2575

Effective date: January 1, 2018

House Bill 2575 expands exemption of brake requirements to include balance trailers that transport dories. Because dory trailers are backed into the ocean to unload and load their boats, the mechanical brakes that would otherwise be required quickly corrode from exposure to salt water.

The Federal Motor Carrier Safety Administration (FMCSA) enforces the requirement that each state must meet the minimum standards included in federal regulations for commercial vehicles. States that do not meet those standards can face loss of federal funding.

Federal safety regulations require brakes for motor vehicles and trailers that are considered "commercial motor vehicles." Federal regulations apply to a dory and its trailer being used for commercial purposes (e.g. transporting a catch to market), in two circumstances: 1) for interstate commerce, if the combination does not exceed 10,000 pounds and 2) for intrastate commerce, if the combination does not exceed 26,000 pounds.

Oregon's dory fleet typically transports its catch to an Oregon processing facility, which processes the fish before they are transported out of state or out of country. That makes the dory operators' transport of fish to market intrastate commerce.

HB 2575 allows dories to be exempt from trailer brake requirements if their gross combination weight is 11,999 pounds or less and they are not being operated in interstate commerce, keeping the state in alignment with federal regulation.

Distracted Driving Law Changes

House Bill 2597

Effective date: October 1, 2017

House Bill 2597 makes significant changes to the Distracted Driving or "cell phone" law. The bill makes it illegal to drive while operating a mobile electronic device, with some exceptions. The bill defines "mobile electronic device" as an electronic device not permanently installed in the vehicle, and gives examples of devices used for communication, navigation, accessing the internet and e-mail. Holding a device in one's hand or using the device is a violation.

The bill provides exceptions for activating/deactivating the device; commercial vehicle and school bus operators using CB-type radios as allowed by federal law; logging vehicle operators using CB-type radios or two-way radios; school bus drivers using two-way radios; utility vehicle drivers using CB-type or two-way radios. The bill provides affirmative defenses for summoning medical/emergency help; using a hands-free device if age 18 or older; police, firefighter, EMS providers while in the scope of employment; and HAM radio operators age 18 or older.

The bill increases penalties to a Class B violation for first offense; Class A violation for second offense, or first offense if it contributes to a crash; Class B misdemeanor and \$2000 fine for third offense in 10 years. Provides for suspension of execution of all or part of the fine for first offense if person completes distracted driving avoidance course, for which ODOT must set standards.

The changes to the offense become operative October 1, 2017. The allowance of fine reduction or waiver for completing a class becomes operative January 1, 2018. Law enforcement leaders expressed plans for the first three months of the law's change to focus on educating drivers over issuing citations.

Ignition Interlock Device Oversight Program

House Bill 2638

Effective date: October 6, 2017

House Bill 2638 creates a new program to oversee the vendors and installers of ignition interlock devices (IIDs). These devices prevent a motor vehicle from starting if it detects a minimal amount of alcohol in the driver's breath. IIDs are required of every person who receives a conviction or diversion for driving under the influence of intoxicants.

Currently the only state regulation of IIDs comes with the initial qualification of the device type, which is done by ODOT - DMV. There is no subsequent device testing, nor any qualifying criteria or process for those who install, calibrate, or de-install the devices, who are also responsible for periodically downloading data to determine if the user has attempted to drive after using alcohol.

HB 2638 requires the department to start an oversight program by establishing standards for companies and individuals engaged in IID work, establish a process for receiving and handling users' complaints about devices or installers, and will set fees for IID providers so the program will be self-supporting. On July 1, 2019, the program will be turned over to the Oregon State Police to continue and expand the oversight program.

Speed Limits Established by the City of Portland

House Bill 2682

Effective date: January 1, 2018

House Bill 2682 allows the city of Portland to establish by ordinance speed limits five miles per hour lower than statutory speed limits on residential roads which are not arterials and are within their jurisdiction. HB 2682 allows the city of Portland to establish these speeds without first requesting approval from the Department of Transportation. The designated speeds become effective when the city installs signs posting the new speeds.

Increased Penalties for Harming Highway Worker or Flagger

House Bill 2721

Effective date: Upon signature by the Governor

House Bill 2721 expands assault in the third degree to include intentionally, knowingly, or recklessly causing physical injury to a highway worker or flagger while the worker is performing their official duties. Assault in the third degree is a Class C felony.

HB 2721 encourages safety for highway workers and flaggers operating in work zones throughout Oregon by creating consistent penalties. By expanding the scope of the law to include these types of assaults, HB 2721 discourages those who would imperil the health and safety of crucial highway workers and flaggers.

Funding of Transit Operations

House Bill 2745

Effective date: 90 days after Sine Die

House Bill 2745 gives intergovernmental agencies that qualify to receive Federal Transit Administration operations funding a new local funding option. The changes allow them to impose property taxes or issue general obligation bonds supported by property tax revenues. The bill also grants the intergovernmental entity status as a transportation district for purposes of transportation district and special district laws.

HB 2745 will provide opportunities for additional revenue that will benefit transit services for intergovernmental agencies.

Port of Hood River Bridge

House Bill 2750

Effective date: January 1, 2018

House Bill 2750 defines bridge, bridge project and bridge project activity as those terms relate to agreements private entities have with the Port of Hood River. The bill allows the port to enter into agreements for bridge projects, specifies what those agreements must contain and how proposals must be evaluated and exempts bridge project activities as well as agreements for bridge projects from the public contracting code.

Additionally, the bill gives the port or its designee the authority to establish and collect tolls and requires the Department of Transportation to enforce nonpaid tolls by refusing to renew motor vehicle registrations.

Finally, HB 2750 gives the port authority to sell or transfer ownership of bridges or bridge projects if specific provisions are included in the sale or transfer and allows the port to acquire property outside of its boundaries to connect bridges to other facilities.

Geospatial Data Sharing

House Bill 2906

Effective date: 90 days after Sine Die

House Bill 2906 expands the membership of the current Geospatial Data Sharing Workgroup to a 23-member council within the office of the State Chief Information Office and provides three seats for state agency representatives that have responsibility for water, land, air quality, natural resources or infrastructure. The council is tasked with serving as the statewide governing body for coordination and sharing geospatial framework data, and to plan for the enhancement of geographic framework information sharing.

The bill gives the council the power to develop a strategic plan and oversee implementation of the plan, adopt rules, policies and standards for public bodies around sharing geospatial framework data and work with public bodies to develop improved data sharing strategies. Public bodies are directed to share all geospatial framework data designated by the council if providing the data does not result in any additional costs to the public body.

By enabling the newly formed council to establish standards for public body data sharing, HB 2906 may provide a foundation to allow for more freely sharing road data to support emergency management and public safety needs. HB 2906 also allows data to be shared without an agreement between public bodies which may remove barriers and streamline data sharing.

Crater Lake National Park Vehicle Plate Surcharge

House Bill 2922

Effective date: May 17, 2017

House Bill 2922 increases the surcharge collected for issuance of each Crater Lake National Park registration plate from \$10 to \$15 per plate (total \$30 per set) payable when the plate is issued.

The increased plate fee is expected to raise an additional \$500,000 over the next four years. These funds are transferred to benefit the Oregon Community Foundation for use on Crater Lake projects. Funds include the difference between the surcharge collected and the DMV costs that must be retained.

Non-Discrimination in Public Contracting

House Bill 3060

Effective date: October 6, 2017

House Bill 3060 prohibits a state contracting agency from entering into a contract with a potential contractor who has not certified that they have a policy and practice of preventing sexual harassment, sexual assault, and discrimination against employees who are in the protected class under Oregon or Federal law.

A contractor must certify in writing that they have a policy and practice of preventing sexual harassment, sexual assault and discrimination against employees in the protected class. HB 3060 only applies to contracts of \$150,000 or more.

Vehicle Dealers Acting as ODOT Agents

House Bill 3120

Effective date: January 1, 2018

House Bill 3120 clarifies that the Oregon Department of Transportation, Driver and Motor Vehicle Services, may designate vehicle dealers as agents of the department for the purpose of preparing and submitting documents related to vehicle titles and registrations.

This bill clarifies the role of dealers designated as agents of DMV and grants DMV authority to adopt rules to more specifically define requirements of agents. HB 3120 allows a wider range of options for the department to penalize vehicle dealers who do not comply with applicable regulations; the only current option is to suspend the right to do business.

Autocycles Defined

House Bill 3125

Effective date: June 14, 2017

House Bill 3125 defines “autocycle” as a subset of motorcycles and revises Oregon law to provide that a motorcycle endorsement is not required for a licensed driver to operate an autocycle. The bill requires the department to report to the legislature on changes to federal law related to autocycles no later than September 15, 2021.

Autocycles are functionally different than two-wheeled motorcycles and operate more closely to typical automobiles. They are controlled with regular steering columns and offer side-by-side seating. The key distinguishing features are that autocycles have three wheels, non-straddle seating, and a steering wheel rather than handlebars. They must also have factory-installed occupant restraints (seatbelts). Motorists operating autocycles are still required to have a Class C driver’s license and wear a helmet.

Oregon Coast Trail Plan

House Bill 3149

Effective date: October 6, 2017

House Bill 3149 requires the Oregon Parks and Recreation Department, OPRD, to develop an action plan to address the closure of trail gap segments along the Oregon Coast Trail and requires OPRD to consult with the Oregon Department of Transportation as one of the listed stakeholder groups.

The action plan is required to address Oregon Coast Trail gaps, including the identification of the preferred trail option for development and a plan for maintenance and operation for these trail gap segments. The bill identifies that these gaps be prioritized based on safety, immediacy of implementation, and funding opportunities. OPRD must report annually to the legislature on the development and the implementation of the plan.

Southwest Corridor MAX Light Rail

House Bill 3202

Effective date: Upon signature by the Governor

House Bill 3202 establishes an expedited land use process for the siting of the Southwest Corridor MAX Light Rail Project. This includes establishing the criteria to be used in making decisions for Land Use Final Orders (LUFO), staff reports, the public hearing and appeals process and inclusion of all parties in the affected areas of the proposed project site.

ODOT has been directly involved in the planning of the Southwest Corridor MAX Light Rail Project and actively contributes to the project design, evaluation, and the preferred alternative for final design and construction under consideration by the steering committee. Through House Bill 3202, ODOT will serve as a member of the steering committee that will provide recommendations for siting of the light rail route and other project improvements. The steering committee is established and staffed by Metro. After the initial land use order for the project is adopted, TriMet assume staffing of the steering committee and will continue until completion of the project.

Public Improvement Cost Analysis

House Bill 3203

Effective date: October 6, 2017

House Bill 3203 requires all contracting agencies, before they start to construct a public improvement, to conduct an analysis that compares the estimate of what a public improvement would cost if done by a private contractor versus if the contracting agency performed with work with its own equipment and personnel. The bill specifies which costs to include when estimating the contracting agency's estimate for the work. HB 3203 defines a public improvement as resurfacing highways, roads and streets at a depth of two or more inches and at an estimated cost that exceeds \$125,000. The bill exempts maintenance patching, chip seals or other seals as a maintenance treatment on highways, road, streets or bridges from the analysis.

The analysis must be filed with the Commissioner of the Bureau of Labor and Industries at least 180 days prior to construction if the cost exceeds \$200,000.

Atomic Veterans Memorial Highway

House Bill 3207

Effective date: January 1, 2018

House Bill 3207 directs the Department of Transportation to place and maintain markers indicating the memorial designation known as the Atomic Veterans Memorial Highway. The portion of I-5 identified in HB 3207 begins in Albany and ends in Salem. The bill gives the Department authority to accept funds from and enter into agreements with veterans groups to create, install, and maintain the markers.

HB 3207 does not allow the use of public funds for the installation and maintenance of these markers. However, the Department is allowed to collect funds through agreements with veterans groups to create, install and maintain the markers.

Vendor Payment within 15 Days

House Bill 3264

Effective date: October 6, 2017

House Bill 3264 directs the Oregon Department of Transportation to create a pilot for prompt payment to small businesses within 15 days. The department is to pay invoices or demands for payment within 15 days when received from a self-certified small business for contracts involving architectural, engineering, photogrammetric mapping, transportation planning, or land surveying and related services.

HB 3264 defines a small business as one that employs not more than 50 employees. The bill requires each small business to self-certify that they are a small business by stating the number of current employees, in writing, signed and dated, and attaching the certification to the invoice or demand.

ODOT must report to the Legislative Assembly no later than March 31, 2019 relating to the results of the pilot. Through this pilot project, for which ODOT volunteered, ODOT will work to establish an efficient model for providing prompt payments to small businesses that can be applied department-wide.

Open Data Standards

House Bill 3361

Effective date: January 1, 2018

House Bill 3361 directs the State Chief Information Officer to appoint a Chief Data Officer. The Chief Data Officer is tasked with maintaining a web portal to publish data collected by state agencies, developing open data standards, and preparing and publishing a technical standards manual. The Chief Data Officer is directed to consult with state agency subject matter experts and others in developing the open data standards.

State agencies that collect publishable data as defined by the bill are directed to release the data on the newly-created web portal using the open data and technical standards developed by the Chief Data Officer by May 1, 2019. State agencies may request an exemption from the requirement under certain circumstances. If a state agency cannot publish the data according to the requirements in the bill, the agency must report to the Chief Data Officer the reasons why and when they will be able to publish.

Rear-facing Child Seats until Age Two

House Bill 3404

Effective date: May 25, 2017

House Bill 3404 changes the age requirement for children to be properly secured in a car seat in rear-facing position from under one year to under two years. Current Oregon law requires children to ride rear-facing until the age of one year, allowing them to turn forward-facing on their birthday. If a child is one year of age or older before the effective date, they would not be required to be put in a rear-facing car seat.

Establishes Expenditure Limitation for HB 2017

House Bill 5045

Effective date: July 1, 2017

House Bill 5045 is a supplemental budget bill which provides expenditure limitation for the 2017-19 biennium. This is partial expenditure limitation for implementation of House Bill 2017, a statewide multimodal transportation investment package.

The agency expenditure limitation is increased to include \$110 million and 36 FTE to carry out projects and complete project-related studies as part of the transportation package for the first part of the 2017-19 biennium. The bill also increases expenditure limitation for the Department of Revenue in order to implement new statewide payroll taxes and vehicle excise taxes as a result of the transportation package. Lastly, the bill increases expenditure limitation for the Department of Environmental Quality to implement a rebate program for low and moderate income purchasers of low emission vehicles and accommodate increased workloads due to storm water permitting from transportation package projects.

Two budget notes directing specific actions by the department are as follows:

“The Oregon Department of Transportation is directed to report to the Legislative Assembly during the 2018 legislative session on (1) the department’s progress filling positions granted during the 2017 legislative session for implementation of HB 2017 (2017); (2) the status of transportation projects included in the bill; and (3) any additional positions the department may need to fully implement the transportation package of 2017.”

“The Oregon Department of Transportation is directed to ensure an ongoing commitment to fully fund congestion relief on I-205, including but not limited to the Stafford Rd to Abernethy Bridge bottleneck. Pursuant to HB 2017, any value pricing revenue shall be dedicated to I-205. In the event that value pricing revenue is not sufficient, or should value pricing prove not to be a viable funding source, the agency shall report immediately to the Legislative Assembly on the funding issues along with specifics on funding needs and options available to the Legislative Assembly to quickly remedy such funding gaps. An initial report shall be provided to the Joint Transportation Committee no later than the last legislative days in calendar year 2018.”

Deadlines for Introduction of 2018 Legislative Measures

House Concurrent Resolution 40

House Concurrent Resolution 40 sets rules for introduction of bills, memorials and resolutions in the 2018 Legislative Session. The resolution was adopted by the House and the Senate.

The resolution limits the number of measure drafts that may be requested from Legislative Counsel as follows:

- Each Senator may request one draft each.
- Each Representative may request two drafts each.
- Each interim committee may request three drafts each.
- The Governor may request up to five drafts on behalf of executive branch agencies.
- The Chief Justice of the Supreme Court may request up to five drafts on behalf of the judicial branch.

The resolution does not limit the number of drafts from the Senate President, House Rules, Committee or the Joint Committee on Ways and Means with respect to appropriation or fiscal measures.

The resolution also prescribes the following filing deadlines:

- November 21, 2017 — Members, committees, the Governor, and the Chief Justice must submit requests for drafts to Legislative Counsel no later than 5 p.m.
- January 8, 2018 — Legislative Counsel must deliver drafts to requesters no later than 5 p.m.
- January 16, 2018 — Requestors must submit drafts for introduction to the Senate desk or House desk no later than 5 p.m.

The deadlines do not apply to the Senate President, House Rules Committee or the Joint Committee on Ways and Means.

The 2018 Legislative Session will begin on Monday, February 5, 2018. The 2018 session may not exceed 35 calendar days in duration and must adjourn by March 12 unless two-thirds of the members of each chamber vote to extend the session by five calendar days.

Senate Measures

Move Over Law

Senate Bill 34

Effective date: January 1, 2018

Senate Bill 34 requires motorists to move over a lane or slow down by at least five miles an hour below the posted speed for vehicles that display hazard lights or other signs of distress.

This is an expansion of the current law, which requires that motorists move over, or slow down if they can not move over, for an emergency vehicle, a roadside assistance vehicle, a tow vehicle, or ambulance if they are displaying required warning lights. SB 34 makes clear that drivers have a clear choice to either move over or slow down. The violation remains a Class B traffic violation.

The department introduced Senate Bill 34 as a means to ensure its employees, contractors, and the public are safe when stopped along Oregon's highways by expanding the scope of the law to include all stopped motor vehicles displaying hazard lights or indicating distress.

Accident Reporting

Senate Bill 35

Effective date: January 1, 2018

Senate Bill 35 raises the threshold for property damage-only crash reporting from \$1500 to \$2500. Current law requires each driver involved in a motor vehicle crash to report the incident to DMV when any person is injured, when a vehicle is towed from the scene, or any time the property damage to one vehicle exceeds \$1500 in value.

Raising the threshold should significantly reduce the number of overall crash reports received, but maintain the requirement for the type of reports on which safety and engineering decisions are made.

The department introduced Senate Bill 35 to enable the agency to process reports more quickly so crash data is available for analysis closer in time to the events, ultimately leading to better safety decisions.

DMV Efficiencies

Senate Bill 36

Effective date: June 14, 2017

Senate Bill 36 makes several changes within the Driver and Motor Vehicle Services Division. The bill directs DMV to discontinue skills testing prior to issuance of a three-wheel restricted motorcycle endorsement. This type of skills testing involves principles that apply to traditional two-wheeled motorcycles, which do not readily translate to the operation of three-wheeled vehicles. DMV will no longer maintain motorcycle skills test courses at the five offices around the state that still have such courses, and will discontinue employee training related to three-wheel motorcycle skills testing.

SB 36 also eliminates the requirement that applications for a driver license, ID card, or permit indicate if the applicant has ever been issued a driver license or permit, or had a suspension in another state. DMV conducts electronic checks of its own records and other states' records to determine if a person is currently suspended or revoked in any jurisdiction. Because of this feature, these questions are no longer necessary on the actual application.

Finally, the bill aligns with federal law to allow non-domicile Oregonians (legally present immigrants who are temporary legal residents) to obtain a Commercial Driver License or Commercial Learner Permit.

The department introduced Senate Bill 36 to improve efficiencies within the Driver and Motor Vehicle Services Division.

Commercial Driver License Compliance

Senate Bill 37

Effective date: January 1, 2018

Senate Bill 37 makes several changes in order to align DMV's Commercial Driver License process with federal law. DMV is responsible for issuing Commercial Driver Licenses to qualifying applicants. States must comply with the federal requirements for CDL issuance to maintain a CDL program and avoid loss of federal funds. These federal regulations are updated frequently.

The most significant change under SB 37 is to allow DMV to participate in the national electronic system for medical certification, which will improve efficiency for the industry and the agency. SB 37 also makes a number of other changes, such as permitting Oregon residents who are from the Compact of Free Association (COFA) nations to apply for Commercial Driver Licenses and Commercial Learners Permits, as allowed under new federal guidance. The bill also makes numerous small changes to definitions so they match federal regulations.

The department introduced Senate Bill 37 in order to bring Oregon CDL law into federal compliance.

Jobs and Transportation Act Reallocation

Senate Bill 38

Effective date: May 31, 2017

Senate Bill 38 gives the Oregon Transportation Commission the authority to reallocate any remaining funds on projects identified in the Jobs and Transportation Act. The bill requires that the commission first meet transfer obligations that the legislature has previously directed, which directs savings on three of the remaining projects.

SB 38 sets up criteria that the commission must follow when making any reallocations. The commission may only reallocate remaining funds to projects identified in the JTA within the same ODOT region as the completed project, following the legislature's previous practice.

This change will allow the commission to reallocate savings to leverage federal grant funds. In the federal FAST Act (Fixing America's Surface Transportation Act), a series of large grant programs were set up. To be eligible and competitive for these grants, a significant amount of state funds are required.

After this year, only 10 projects will still be under construction out of the 51 original projects funded under Section 64 of the JTA. Several of those 10 are using remaining dollars from the original allocation within the original project boundaries designated by the legislature. As the department enters the eighth year of the program, the majority of the projects and the program are nearing completion.

The department introduced Senate Bill 38 in order to make efficient use of the remaining funds from the 2009 Jobs and Transportation Act.

Emergency Medical Service Data Reporting Requirements

Senate Bill 52

Effective date: June 6, 2017

Senate Bill 52 requires licensed transporting ambulance agencies to report "patient encounter data" to the Oregon Emergency Medical Service Information System. "Patient encounter data" will be defined in rule by the Oregon Health Authority, but will include health information gathered as the patient moves from initial call for service, on scene, during transport, at the trauma facility, until release.

ODOT relies on patient encounter data to develop transportation safety plans. These plans serve several important purposes and are required in order to apply for federal funding available to states that collect traffic injury data.

Quality Management Services for Information Technology Initiatives

Senate Bill 87

Effective date: January 1, 2018

Senate Bill 87 modifies how agencies determine whether to include Quality Assurance on information technology projects. Current Oregon law requires a state agency to include Quality Assurance (QA) on any information technology project with a cost of \$5 million or more.

SB 87 changes this process to allow the Office of the State Chief Information Officer to use discretion on when Quality Assurance is necessary for an information technology project. The bill allows the State CIO to exclude project Quality Assurance (QA) even when the cost is over \$5 million, or to include QA on projects that are over \$1 million. The State CIO must submit a report to the Legislative Fiscal Officer if they opt to not include QA on projects exceeding \$5 million.

The Oregon Department of Transportation's Information Systems, with the State CIO, use particular criteria for Quality Assurance on projects over \$1 million. These criteria consider how high profile the project is, whether the project is designed for use by the public or other state agencies, and the specific technology involved. Since many existing projects meet these criteria, ODOT has QA built into project estimated costs. Typically, ODOT opts for QA on many projects for the purposes of having an independent review.

Information Technology Security Unification

Senate Bill 90

Effective date: July 1, 2017

Senate Bill 90 directs agencies to transfer information technology security functions, employees, records, and property to the office of the State Chief Information Officer. The bill directs the State CIO to determine, allocate, and assess agencies for the cost associated with providing security services to agencies.

Governor Brown unified cyber security in Oregon via Executive Order 16-13, which transferred state agency information technology security functions and agency employees engaged primarily in performing those functions to the Office of the State Chief Information Officer. The department's legislatively adopted budget for 2017-2019 further implements the Executive Order by removing positions from the department and reducing ODOT's associated expenditure limitation for these purposes.

Public Records Advocate and Advisory Council

Senate Bill 106

Effective date: Upon signature by the Governor

SB 106 creates the position of Public Records Advocate. The position is appointed by the Governor from a panel of three qualified individuals nominated by the Public Records Advisory Council and confirmed by the Senate. The Public Records Advocate is tasked with mediating public records request disputes. The bill also creates the Public Records Advisory Council to study and make recommendations regarding the Public Records Advocate's role and responsibilities.

Government records are available to the public upon request unless the records meet certain criteria and are exempt from disclosure. While most public record requests are resolved without issues, at times conflicts arise between the requestor of the information and the holder of the public records.

Hardship Permit Allowance

Senate Bill 252

Effective date: January 1, 2018

Senate Bill 252 allows a person whose driver license is suspended to obtain a hardship permit to drive for the purpose of participating in gambling addiction treatment. Current law allows hardship permits for alcohol or drug treatment, employment, and medical treatment. This bill adds gambling treatment to the list and requires the applicant to show proof of the need to drive to get to gambling treatment.

Willamette Falls Locks Commission

Senate Bill 256

Effective date: Upon signature by the Governor

Senate Bill 256 establishes a 23-member commission known as the Willamette Falls Locks Commission. The purpose of the commission is to advise state and local government agencies on the development and implementation of state policies relating to the repair, reopening, operation, and maintenance of the Willamette Falls navigation canal and locks. The bill directs Oregon Solutions at Portland State University to provide staff support to the commission. The bill directs the Director of the Oregon Department of Transportation to appoint one member of the department as the representative on the commission.

Recreational Immunity

Senate Bill 327

Effective date: June 22, 2017

Senate Bill 327 changes the definition of “owner” that applies to recreational immunity statutes. The bill expands the definition to include an officer, employee, or volunteer acting in the course of their duties. SB 327 also expands the definition to include others that may have a financial interest in the land.

The Oregon Department of Transportation’s primary function is to provide facilities for a transportation purpose. Some ODOT facilities could be used for recreation purposes such as off-system trails, snow parks, or viewpoints. By expanding the definition of landowners under the recreational immunity statute, SB 327 clarifies that employees and volunteers performing their official duties on ODOT land are protected under Oregon law.

ATV Access Routes on State Highways

Senate Bill 344

Effective date: January 1, 2018

Senate Bill 344 directs the Oregon Transportation Commission to designate ATV access routes on state highways, after consulting with the all-volunteer ATV Access Routes Advisory Committee. Access routes are intended to be short connections between two ATV trails, or between an ATV use area and local amenities such as gas stations, grocery stores, and restaurants. Access routes are to be designated on a case by case basis considering such factors as safety and local input.

The bill requires ATV operators to hold the proper Oregon driver license, use a helmet, and wear a safety belt (if available), and comply with financial responsibility (insurance) laws when traveling on a route designated by the Oregon Transportation Commission. Senate Bill 344 also specifies that an ATV may cross a state highway at an intersection or more than 100 feet away from an intersection.

SB 344 was largely the product of an interim work group created by Senate Bill 192 (2015). The work group was led by the Oregon Parks and Recreation Department in collaboration with ODOT and other of stakeholders.

Wildlife Salvage Permits

Senate Bill 372

Effective date: January 1, 2018

Senate Bill 372 directs the Oregon Department of Fish and Wildlife to adopt rules and issue wildlife salvage permits by January 1, 2019. These permits allow for the recovery of game meat for human consumption from elk or deer which have been accidentally killed in a motor vehicle collision. Permit holders must promptly surrender any deer or elk antlers to the Department of Fish and Wildlife.

Wildlife salvage permits may not be issued for crippled or helpless wildlife that are subsequently killed for humane reasons, except in the case that a person accidentally hit the deer or elk with a motor vehicle. SB 372 directs ODFW to deliver a report on wildlife salvage permits to the legislature during the 2023 legislative session.

Real ID Compliance

Senate Bill 374

Effective date: July 7, 2017

Senate Bill 374 authorizes ODOT to issue driver licenses, driver permits, and identification cards that meet the requirements of the federal Real ID Act of 2005. REAL ID compliant cards will be a voluntary option, with the current credentials being the default option. To obtain a REAL ID card, customers will need to show proof of legal presence, residency, Social Security number, and other documents. DMV will scan and store these documents, and will verify some of them against federal systems created for REAL ID purposes. Through the rulemaking process, DMV will set fees for REAL ID credentials in order to recover all costs of REAL ID compliance.

The federal REAL ID Act of 2005 and subsequent regulations set standards for states' driver licenses and identification (ID) cards to be accepted for official federal purposes. Oregon is not compliant due to current statutory constraints. In 2009 Oregon passed SB 536, which prevented ODOT from spending any money to comply with REAL ID, effectively precluding any action. SB 374 repeals that law, and directs specific actions to reach implementation by July 2020. This will align with the DMV Service Transformation Program (STP).

Oregon has received multiple compliance extensions from the federal Department of Homeland Security. The most recent was granted on July 10, 2017 and is based upon the passage and signing of SB 374. It extends through October 10, 2017. ODOT will continue to apply for extensions based on the passage of SB 374 and progress made in achieving full REAL ID compliance. However, if another extension is not approved, Oregon driver licenses and ID cards will not be accepted at secure federal facilities or by the TSA for boarding domestic flights.

Posting Informational Signs at Roadside Rest Areas

Senate Bill 375

Effective date: January 1, 2018

Senate Bill 375 directs ODOT, the State Parks and Recreation Department, and the Travel Information Council to allow for notices on human trafficking awareness to be posted in roadside rest areas.

SB 375 allows for the notices to be placed in rest areas throughout the state, both on the Interstate highways and other highways. These notices would contain information on seeking help or reporting human trafficking as well as telephone and text message hotlines. The bill allows for ODOT to establish an agreement with a non-profit for posting and maintaining the notices in rest areas around the state.

Humvee Registration as Vehicle of Special Interest

Senate Bill 645

Effective date: January 1, 2018

Senate Bill 645 adds high-mobility multipurpose wheeled vehicles (Humvees) manufactured for military use to Oregon law as a vehicles of special interest (VSI). Prior to SB 645, these vehicles were not able to be registered because they were not manufactured for on-road use and do not comply with all federal safety standards. The bill allows a Humvee owner to register and receive a license plate as a VSI. This registration allows them to operate in parades and limited on-road use with a club but not for on-road general transportation purposes.

Age Limit on Buying Inhalant Devices and Tobacco Products

Senate Bill 754

Effective date: Upon signature by the Governor

Senate Bill 754 raises the minimum age a person may purchase tobacco products and inhalant delivery systems from 18 to 21 years of age, but leaves in place the age of 18 years to legally possess them. The bill also makes it illegal to sell tobacco products or inhalant delivery systems to a person under age 21. SB 754 also adjusts other statutory language related to tobacco products and inhalant delivery systems to reflect the new age requirement.

Taxes on tobacco products provided funding for the Elderly and Disabled Special Transportation Fund (STF) for public transit providers; SB 754 is expected to reduce the revenues raised for this program.

Address Redacted from Vehicle Registration

Senate Bill 930

Effective date: January 1, 2018

Senate Bill 930 allows the owner of a vehicle to black out or obscure residence address, business address, mailing address, or vehicle address shown on registration card and on proof of insurance card. The bill addresses concerns that a car thief who learns the owner's residence address, and sometimes obtains the garage door opener, may use those items to break into a person's home.

Current Oregon Administrative Rules allow registered owners of vehicles to black out or obscure address information on their vehicle registration card. Senate Bill 930 broadens this rule to include insurance cards and codifies this practice into Oregon law.

Motor Vehicle Dealer Bond Requirements

Senate Bill 974

Effective date: January 1, 2018

Senate Bill 974 modifies requirements on bonds held by vehicle dealers, which are businesses regulated by DMV. The bill increases the bond requirement from \$40,000 to \$50,000 to first obtain or renew a standard vehicle dealer certificate.

Current law provides a limited dealer certificate for businesses that sell only ATVs, motorcycles, and snowmobiles. The bill eliminates any new issuance of such certificates, but grandfathers in those already in existence. For those grandfathered dealers, the bond requirement increases from \$2,000 to \$10,000.

Clean Diesel Engine Fund

Senate Bill 1008

Effective date: July 1, 2017

Senate Bill 1008 establishes criteria by which the Environmental Quality Commission shall adopt rules to fund the replacement, repower and retrofits of diesel engines used both on and off highways. The bill also allows the state to collect moneys from the Volkswagen Environmental Mitigation Trust Agreement and deposit it in the Clean Diesel Engine Fund. The bill prioritizes the grants to owners and operators of diesel school buses.

Government Cost Containment

Senate Bill 1067

Effective date: Upon signature by the Governor

Senate Bill 1067 creates several new requirements for state government agencies aimed at reducing current and future costs.

These efforts include:

- Legislative review of reclassification of positions by state agencies.
- Legislative review of agency long-term vacancies.
- Additional reporting on collective bargaining changes.
- Reduction in the cap on state government FTE to 1.0% of the state population.
- A study of state procurement practices to achieve savings.
- Authorization for LFO to update current service level assumptions from what is used to prepare the Governor's budget proposal.
- Setting a target of 2% of replacement value to be spent on deferred maintenance each biennium.
- Modification of the law regarding PERS side accounts (pre-paid employer contributions) and requirement that the Governor's budget proposal to include recommendations on funds available for additional side account deposits.
- Limits PERS contingency reserve fund to \$50 million.
- Requires the legislature to establish a minimum project amount to be eligible for bond financing; projects below that amount need to be funded with cash.
- Centralizes debt collection activity in state government in the Department of Revenue and further specifies changes to debt collection processes.
- Requires PEBB and OEGB to establish an executive committee to develop a plan for the merger of the boards and to begin to combine administrative functions and operations.
- Requires PEBB and OEGB to adopt methodologies designed to limit growth in premium or per member health plan costs to 3.4% per year.
- Eliminates "double coverage" for PEBB and OEGB employees who have family members also employed by a PEBB or OEGB employer.
- Ties hospital rates for PEBB and OEGB to a percentage of Medicare rates.

Capital Construction Budget Bill

Senate Bill 5506

Effective date: July 1, 2017

Senate Bill 5506 is the legislatively approved list of building and major remodeling projects for state agencies.

SB 5506 authorizes two projects for ODOT:

- Toledo Maintenance Station Phase I: \$6,300,000 Other Funds.
- Salem Baggage Depot Renovation: \$94,483 Other Funds and \$825,517 Federal Funds are approved as increases to 2013-15 capital construction limitations as extensions of the expenditure limitation and project expiration date for the Salem Baggage Depot Renovations to June 30, 2019.

Lottery Bond Authorization

Senate Bill 5530

Effective date: Upon signature by the Governor

Senate Bill 5530 is the lottery bond authorization bill which provides the maximum amount of lottery bonds to be issued during the 2017-19 biennium for the Department of Transportation and other state agencies. SB 5530 contains three bond authorizations for ODOT:

- \$30,000,000 in bond proceeds for deposit into the Connect Oregon Fund. These funds are used as part of the ongoing Connect Oregon program which provides grant funds for multimodal transportation projects throughout the state.
- \$2,000,000 in bond proceeds for distribution to the City of Portland for infrastructure improvements on SW Capitol Highway.
- \$5,000,000 in bond proceeds for distribution to Lane Transit District for upgrades and improvements to existing transit infrastructure.

Senate Bill 5530 affects the department's Legislatively Adopted Budget, SB 5540.

Oregon Department of Transportation Budget

Senate Bill 5540

Effective date: July 1, 2017

Senate Bill 5540 is the Legislatively Adopted Budget for the Oregon Department of Transportation for the 2017-2019 biennium. The department's mission is to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. ODOT is involved in developing highways, roads and bridges, railways and public transportation services, bicycle and pedestrian paths, transportation safety programs, driver and vehicle licensing, and motor carrier regulation.

Budget highlights include a continuation of \$10 million in General Fund for passenger rail, \$9.7 million in General Fund for Elderly and People with Disabilities program, and \$27 million in state highway funds for the second phase of the DMV IT upgrade, Service Transformation Program (STP).

The agency's budget includes the following program units:

- Highway: Maintenance, Preservation, Bridge, Highway Operations/Safety, Modernization, Special Programs, Local Government.
- Driver and Motor Vehicle Services.
- Motor Carrier Transportation.
- Transportation Program Development (includes Connect Oregon).
- Public Transit.
- Rail.
- Transportation Safety.
- Central Services.
- Debt Service.
- Oregon Transportation Infrastructure Bank.
- Capital Improvements.
- Capital Construction.

The department's 2017-19 Legislatively Adopted Budget, independent of HB 2017, totals \$3.8 billion in total funds and 4,482 positions (4,386 FTE). The 2017-19 budget, is increased 4.4 percent from the 2015-17 Legislatively Adopted Budget, but still 24 percent less in total funds than the 2013-15 Legislatively Adopted Budget.

Commemorating the 69th Anniversary of the Vanport Flood

Senate Concurrent Resolution 21

Senate Concurrent Resolution 21 commemorates the 69th anniversary of the Vanport flood. The resolution remembers 15 people who lost their lives and survivors of the flood.

The Oregon Department of Transportation recently installed signs on Interstate 5 to direct motorists to Vanport historical markers.

Memorial Signs

ORS 366.930 directs the Department of Transportation to install and maintain Fallen Officer roadside memorial signs to commemorate public safety officers (corrections officers, State Police, police chiefs and other police officers, sheriffs and deputies) killed in the line of duty. ORS 366.931 outlines a parallel process for Fallen Hero roadside memorial signs to commemorate members of United States Armed Forces who were killed in action or died of wounds sustained in action.

For a roadside memorial sign to be installed, the Legislative Assembly must pass a concurrent resolution recognizing the officer or member of the Armed Forces. ORS 366.930 and 366.931 also specify that ODOT must receive payment of a fee not to exceed the direct and indirect costs to cover installation, maintenance and removal of the sign. Public bodies may not expend funds to pay the fee.

The 2017 Legislative Assembly adopted the following concurrent resolutions that recognize law enforcement officers killed in the line of duty, meeting the first condition for placement of Fallen Officer memorial signs:

- HCR 2 – Chief Daniel Kim Duncan
- HCR 4 – Deputy Alice Mae Baker Moran
- HCR 5 – Deputy Thomas Ernest Rice
- HCR 15 – Oregon State Police Trooper William Thomas Levinson
- SCR 6 – Sergeant Jason Michael Goodding
- SCR 8 – Deputy Roy Hugo Dirks
- SCR 9 – Deputy Carlton Edmund Smith
- SCR 10 – Reserve Deputy Robert Milton Riley

The 2017 Legislative Assembly adopted the following concurrent resolutions that recognize members of the United State Armed Forces who died in the line of duty, for placement of Fallen Hero memorial signs:

- HCR 3 – Private James Herbert Rowden and Private First Class John Wayne Rowden
- HCR 6 – Lance Corporal Dale G. Peterson
- HCR 7 – Sergeant David W. Johnson-DeFord
- HCR 11 – Sergeant Ronald W. Burkhart
- HCR 22 – Corporal Robert “Bobby” Leon Jones
- HCR 25 – Sergeant Adam Plumondore
- HCR 26 – Private First Class Thomas L. Tucker
- HCR 27 – Corporal Jessica A. Ellis
- HCR 28 – First Lieutenant Justin J. Wilkins
- HCR 29 – Lance Corporal Randy Lee Newman
- HCR 36 – Lance Corporal Ty Lewis Hart
- SCR 19 – Corporal Jeremy M. Loveless, Specialist Six Norman Francis Evans and Specialist Four David Lynn Evans
- SCR 20 – Sergeant Brennan C. Gibson

Reports to the Legislative Assembly

Some legislation enacted by the 2017 Legislative Assembly requires agencies to report to the Assembly or its committees. This section focuses on new or revised reporting requirements that affect the Oregon Department of Transportation or transportation generally.

Audits of the Oregon Department of Transportation (HB 2017)

House Bill 2017 transfers the Oregon Department of Transportation's internal auditing legislative reporting requirement to the Oregon Transportation Commission. The commission is required to report to the Joint Legislative Audit Committee and the Joint Committee on Transportation at least once each biennium on audits of the department.

Autocycles and Federal Law (HB 3125)

House Bill 3125 defines "autocycle" and revises Oregon law to provide that a motorcycle endorsement is not required for a licensed driver to operate an autocycle. The Oregon Department of Transportation is required to report to the interim legislative committees by September 15, 2021 on changes to federal law related to autocycles.

Certifications for Conditional Fuels Tax Increases (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to submit periodic reports certifying that certain conditions have been met in order to trigger the increase of the fuels tax by two cents.

The commission is required to report to the Joint Committee on Transportation by December 21, 2019, certifying that:

- The commission has identified shovel-ready projects and maintenance or operational uses for the additional funds triggered by the report.
- Section 11 requirements for reporting the condition of state and local transportation infrastructure are implemented and being followed.
- The Oregon Department of Transportation is implementing the registration fees and title fees under sections 32 and 37.
- The I-205 Active Traffic Management Project and Corridor Bottleneck Project are complete.
- Provide with the report:
 - A list of the shovel-ready projects.
 - Amounts of bonds needed for shovel ready projects starting January 1, 2020.
 - Construction and financial status of uncompleted in-progress projects listed in HB 2017 that cost over \$20 million.
 - The status of the Treasure Valley Intermodal Facility Project (Connect Oregon) and the Value Pricing Set-Up Project (Section 120).
 - Design, cost analysis and construction option packages for I-5 Rose Quarter Project.
 - Design, construction, financial status and progress of all projects listed in HB 2017 that cost over \$20 million.

The commission is required to report to the Joint Committee on Transportation by December 21, 2021, certifying that:

- The Continuous Improvement Advisory Committee has reviewed and reported on all projects at or over \$50 million and completed not less than six months prior to December 21, 2021. And that the committee's recommendation to the commission at least six months prior to December 21, 2021 have been implemented.
- The commission has identified shovel-ready projects and maintenance or operational uses for the additional funds triggered by the report.
- Section 11 requirements for reporting the condition of state and local transportation infrastructure are implemented and being followed.
- All recipients of fuels tax revenue are in compliance with ORS 279C.305 or are under review by the Bureau of Labor and Industries or the department has requested from the bureau confirmation of compliance.
- The department is implementing the registration fees and title fees under sections 32 and 37.
- Provide with the report:
 - A list of the shovel-ready projects.
 - Amounts of bonds needed for shovel ready projects starting January 1, 2022.
 - Construction and financial status of uncompleted in-progress projects listed in HB 2017 that cost over \$50 million.
 - Design, construction, financial status and progress of all projects listed in HB 2017 that cost over \$20 million.

The commission is required to report to the Joint Committee on Transportation by December 21, 2023, certifying that:

- The Continuous Improvement Advisory Committee has reviewed and reported on all projects at or over \$50 million and completed not less than six months prior to December 21, 2023. And that the committee's recommendation to the commission at least six months prior to December 21, 2023 have been implemented.
- The commission has identified shovel-ready projects and maintenance or operational uses for the additional funds triggered by the report.
- Section 11 requirements for reporting the condition of state and local transportation infrastructure are implemented and being followed.
- All recipients of fuels tax revenue are in compliance with ORS 279C.305 or are under review by the Bureau of Labor and Industries or the department has requested from the bureau confirmation of compliance.
- Provide with the report:
 - A list of the shovel-ready projects.
 - Amounts of bonds needed for shovel ready projects starting January 1, 2024.
 - Design, construction, financial status and progress of all projects listed in HB 2017 that cost over \$20 million.

Condition of State and Local Transportation Infrastructure (HB 2017)

House Bill 2017 requires cities and counties to submit reports to the Oregon Transportation Commission on the conditions of local transportation infrastructure. It requires the commission to work with cities and counties to develop a set of uniform standards for consistent description and reporting.

The commission is required to report to the Legislative Assembly and the Joint Committee on Transportation by April 1 of each odd-numbered year on the state of the transportation infrastructure in Oregon, including local transportation infrastructure.

Connect Oregon Application Streamlining (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to streamline the process for submitting applications in the Connect Oregon program. The commission is required to report to the Joint Committee on Transportation no later than September 15, 2017 on the commission's efforts to streamline the Connect Oregon application process.

Continuous Improvement Advisory Committee Activity (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to establish a Continuous Improvement Advisory Committee to advise the commission and make recommendations on how to achieve efficiencies within the Oregon Department of Transportation. The commission is required to report to the Joint Committee on Transportation each odd-numbered year on the activities and recommendations of the committee and on any activities undertaken by the commission or the department to implement the recommendations of the committee.

Inner Powell Boulevard Project Cost Study (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to conduct a study of the costs to upgrade Inner Powell Boulevard (SE 9th Avenue to I-205) and transfer Inner Powell Boulevard to the city of Portland.

The commission is required to report to the Joint Committee on Transportation no later than January 1, 2020 on the costs to complete the Inner Powell Boulevard project and to transfer Inner Powell Boulevard to the city of Portland.

Interstate 205 Projects Cost Study (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to conduct a study of the costs to complete the I-205 Abernethy Bridge Project, I-205 Freeway Widening Project and I-5 Rose Quarter project.

The commission is required to report to the Joint Committee on Transportation and other appropriate fiscal and policy committees no later than February 1, 2018 on the costs to complete the I-205 projects.

Interstate 5 Rose Quarter Project Cost Study (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to conduct a study of the costs to complete the I-205 Abernethy Bridge Project, I-205 Freeway Widening Project and I-5 Rose Quarter project. The commission is required to report to the Joint Committee on Transportation and other appropriate fiscal and policy committees no later than February 1, 2020 on the costs to complete the I-5 Rose Quarter project.

Prompt Contractor Payment Pilot Program (HB 3264)

House Bill 3264 requires the Oregon Department of Transportation to conduct a pilot program to promptly pay small businesses within 15 days upon request. The department is required to report to the Legislative Assembly by March 31, 2019 on the results of the pilot program.

Revenues and Expenditures (HB 2017)

House Bill 2017 directs the Oregon Department of Transportation to report on revenues and expenditures from taxes and fees increased by HB 2017. The department is required to report quarterly to the legislative committees on revenue during session or the Legislative Revenue Officer during the interim.

The reports must include:

- Amounts received in the previous quarter from specific increased taxes and fees.
- Amounts received in the previous biennium to date and projected revenue for the remainder of the current biennium from specific increased taxes and fees.
- Section 71a expenditures and distributions, including information about the department's total funds as well as the funds raised by HB 2017 and quarterly amounts that include all actual and forecasted expenditures and distributions made under Section 71a for the current biennium and the following biennium.

Statewide Public Transportation Improvement Program (HB 2017)

House Bill 2017 establishes the Statewide Transportation Improvement Fund to fund public transit in Oregon. It directs the Oregon Transportation Commission to distribute the funds to mass transit districts and qualifying entities, create a competitive grant program, provide funding for intercity transportation services, and direct the Oregon Department of Transportation to establish a statewide public transportation technical resource center.

The commission is required to report to the Joint Committee on Transportation by February 1, 2020 on the commission's implementation and the outcomes of this program.

Statewide Winter Maintenance Strategy (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to develop and implement a winter maintenance strategy that includes the use of rock salt or similar solid products.

The commission is required to report to the Joint Committee on Transportation no later than September 15, 2019 on its winter maintenance strategy.

Value Pricing Pre-Implementation (HB 2017)

House Bill 2017 requires the Oregon Transportation Commission to establish a traffic congestion relief program that implements value pricing on Interstate 205 and Interstate 5 to reduce traffic congestion from the Washington state line to where the two corridors intersect. The commission may consider other locations as well. No later than December 31, 2018, the commission is required to seek federal approval to implement value pricing. If approved, the commission must implement value pricing on I-205 and I-5.

The commission is required to report to the Joint Committee on Transportation prior to imposing value pricing.

Vehicle Dealer Certification Enforcement (HB 2017)

ORS 822 governs the certification of vehicle dealers. House Bill 2017 requires the Oregon Department of Transportation to submit a report describing the details of the department's enforcement.

The commission is required to report to the Joint Committee on Transportation on the details of the department's enforcement twice. The first report is due no later than September 15, 2019. The second report is due no later than September 15, 2021.

Vehicles Powered by Different Means (HB 2017)

House Bill 2017 requires the Oregon Department of Transportation to conduct a study of the proportionate share that users of vehicles powered by different means should pay for the costs of maintenance, operation and improvement of Oregon's highways.

The commission is required to report to the Joint Committee on Transportation by September 15, 2023 on the results of the study and any recommendations the commission has for legislation as an outcome of the study results.

Legislation Considered (Not Passed)

This section reviews a few of the bills, memorials and resolutions that were introduced during the 2017 session, but were not adopted.

Automated Motor Vehicles (HB 2461, HB 3119 & SB 981)

House Bill 2461, House Bill 3119 and Senate Bill 981 proposed a procedure for vehicle manufacturers to certify automated vehicles through the Oregon Department of Transportation. This would allow a manufacturer to operate an automated vehicle on state highways and premises open to the public if they meet a set of requirements within the bills. These requirements involved meeting federal regulations and including data collection technology within automated vehicles. The bills would have allowed certified manufacturers to operate on-demand automated vehicle networks.

Public hearings were held for HB 3119 and SB 981, but not HB 2461; all bills were in committee upon adjournment.

Carbon Reduction through Procurement (HB 3161 & HB 3162)

House Bill 3161 and House Bill 3162 required the Oregon Department of Transportation to establish a pilot program to assess the connection of public improvement contracts with the levels of carbon dioxide emitted as a result. The bill required the agency to apply criteria, as determined by the Department of Environmental Quality, as part of the contracting assessment through the responsible bidder process.

Neither bill had a hearing and both were in committee upon adjournment.

Columbia River Gorge National Scenic Area Highway Improvement Program (SB 454)

Senate Bill 454 would have directed the Oregon Department of Transportation to create a Columbia River Gorge National Scenic Area highway improvement program. The intent of the bill was to undertake projects and improve the highway system within the gorge. The bill proposed adding a westbound lane and on-ramp on I-84 at exit 47, improving emergency services, creating a Cascade Locks weigh station, improving the Bridge of the Gods, and adding bicycle and pedestrian facilities. In addition, the bill would have directed ODOT to provide matching funds to local communities, allowing them to receive federal funds. The bill called for development and implementation of a gorge transportation plan to address traffic mitigation, improve traffic safety, and protect the environment.

Senate Bill 454 had a public hearing and a work session, but was in committee upon adjournment.

Connect Oregon (HB 2288)

House Bill 2288 was introduced by the Oregon Department of Transportation. This was the placeholder bill for Connect Oregon VII which would have advanced the policy to be associated with the lottery bond funding for the program. The Connect Oregon program was significantly modified through the transportation funding bill, HB 2017, and this bill was no longer necessary.

HB 2288 remained in committee upon adjournment.

Constitutional Changes to the State Highway Fund (SJR 45 & SJR 48)

Senate Joint Resolution 45 & Senate Joint Resolution 48 would have requested amendment to the state constitutional uses of the state highway fund to allow for expansion of use to modes of transportation that do not use the public highway system. SJR 45 would have been submitted to the ballot in the next regular general election.

Department of Information Technology (SB 872)

Senate Bill 872 proposed establishing the Department of Information Technology, led by the state's Chief Information Officer to oversee and coordinate all state government information technology activities.

The bill would have provided the new Department of Information Technology with broad authority and would have resulted in significant involvement with every division of the Oregon Department of Transportation.

If passed, Senate Bill 872 would have involved significant coordination between ODOT and the newly created department to carry out a wide array of information technology activities. The bill was worked through multiple public hearings and work sessions, but remained in committee upon adjournment.

DMV Cost Recovery (HB 2290)

House Bill 2290 increased several fees to recover costs for producing the particular product or service. The cost to produce many DMV products and services exceeds the fees collected. In 2013, DMV conducted an extensive study of its costs and fees, guided by an advisory group including the Legislative Fiscal Office and other experts from outside of ODOT. The study examined 72 different fees or fee categories and identified fees that would need to be raised to cover their full costs.

Many DMV fees intended for cost recovery are no longer meeting that goal. Consequently, fees from vehicle titling and registration are supplementing the delivery of driver-related services. The net result is less revenue for the State Highway Fund.

HB 2290 remained in committee upon adjournment.

Driver License Suspension and Hardship Permit Streamlining (SB 693)

Senate Bill 693 would have eliminated some non-driving related reasons for driver license suspension. The bill also would have eliminated Probationary Permits (issued in some cases where the person's driver license is "revoked") and replaced that eligibility with Hardship Permits. Finally, the bill would have simplified the criteria for obtaining, and authorized uses of, a hardship permit.

Oregon law requires or allows driver license suspension for hundreds of offenses, some of which are unrelated to bad driving behavior. Overall, each year Oregon DMV processes over 360,000 suspensions on over 200,000 drivers. At any one time about 650,000 people are suspended, with 2.6 million active suspensions on their collective records. This is a national issue for DMV-type agencies and local governments, with heightened concern that excessive fees and driver license suspension for offenses not related to highway safety disproportionately impact the poor and communities of color. In addition, from the agency perspective, such suspensions are inefficient and contribute to high workloads. Also, over many years of accumulative legislation, those who are suspended or revoked may or may not qualify for a hardship (or probationary) permit, and may operate under that hardship permit for different activities, with seemingly little or no relationship to the severity of offense.

The bill had no opposition after amendments early in session; it failed to reach the Senate floor for final action before that chamber adjourned sine die.

Eminent Domain Values (SB 535)

Senate Bill 535 proposed a change to the method for compensating owners of condemned real property. The bill would have required that payment for this type of property must not be for less than the real market value determined by the county assessors or Department of Revenue. This bill could have had significant impact to the Department of Transportation because the department often deals with condemned property for the purpose of acquiring right of way easements, which may require more sophisticated property valuation than a real market value default as proposed by the bill.

SB 535 had one public hearing, but the bill was in committee upon adjournment.

Expanded DMV Hours of Service (HB 3074 & HB 3416)

House Bill 3074 and House Bill 3416 would have required DMV to offer expanded field office hours of service, including Saturdays and weeknight evening hours. During the public hearing on one of the bills the Chair suggested, and DMV committed to, conducting a study of DMV office hours.

DMV operates 60 field offices throughout Oregon. Office sizes range from very small (one or two FTE at 17 offices) to very large (21 FTE in Southeast Portland). Two offices are open three days per week. Four satellite offices open one day per week or less, staffed by employees rotated out of nearby offices. The remaining offices are open Monday through Friday 8 a.m. to 5 p.m. (except Wednesday when they open at 9 a.m.).

The 2014 Legislative Assembly directed a work group to study customer service and efficiency, with a focus on potentially expanding hours. The work group, primarily made up of legislators and different types of DMV customers, considered and rejected expanded hours. Instead they made 11 specific recommendations with modernizing DMV's computer system the primary way to make transformational change in customer service. DMV has undertaken its Service Transformation Program to fundamentally change the way customers may interact with DMV in a way that is user friendly and convenient to them, while making the agency run much more efficiently.

Both bills were in committee upon adjournment.

Fuels Tax Updates (HB 2993)

House Bill 2993 was introduced by the Oregon Department of Transportation. The bill made three updates to Oregon statute (Chapter 319) to standardize fuels tax penalties, ensure appropriate taxation of exported fuel and sunset the costly fuel tax waiver early.

HB 2293 proposed to standardize the penalties incurred by fuel dealers, sellers, and users across all motor fuel categories. Aligning use fuels penalties with motor vehicle fuel penalties could have driven greater use fuels licensing compliance and deterred tax avoidance.

HB 2293 also required proof of payment or proof of exemption from payment of fuels tax during transactions involving exported motor vehicle fuel to ensure proper taxation of fuel in Oregon. During fuels tax audits, ODOT would have been able to check for proof of taxes paid and ensure proper taxation of fuel. Broadening Oregon's current export exemption statutory language from a "federally recognized Indian reservation located wholly or partially within the borders of this state" to "Indian country" as defined in 18 USC § 1151 would have strengthened the statute. This broader definition reaches across state lines and would close an existing tax loophole.

Finally, HB 2293 provided an early sunset for the waiver of fuel tax from sale of bio-diesel made from used cooking oil. House Bill 2435 (2013) waived fuel tax for bio-diesel made from used cooking oil from January 1, 2014 to January 1, 2020. To preclude further revenue loss this bill would have sunset the waiver January 1, 2018.

HB 2293 was in committee upon adjournment.

Greenhouse Gas Emissions Goal for 2025 (HB 2135)

House Bill 2135 would have required the Environmental Quality Commission (EQC) to set new greenhouse gas (GHG) reduction goals for the state and establish a GHG Cap and Investment Program.

Within the Carbon Pollution Market, auction proceeds from motor vehicle fuels would have been deposited into a newly formed Climate Investments Account as part of the State Highway Fund. The bill would have required at that least 20 percent of money from the Climate Investments Account be spent within disadvantaged communities (the geographic area). In addition, a minimum of 20 percent would be spent on projects that benefit disadvantaged communities. Projects were to be selected in consultation with the Disadvantaged Communities Advisory Committee established by this bill. To the extent possible, money was to be prioritized for projects that result in the greatest GHG reductions, and to projects involving participation of minority and women owned businesses.

House Bill 2135 had a public hearing and work session, but remained in committee upon adjournment.

Highway Speed Increases (HB 2489 & HB 3339)

House Bill 2489 would have increased speed limits specific to Highway 97 as it borders Washington State. HB 3339 would have increased speed limits specific to Oregon Route 138 from Roseburg to Glide.

Both bills were in committee upon adjournment.

Hood River-White Salmon Interstate Bridge (HB 2749)

House Bill 2749 would have directed the Port of Hood River to conduct a study on the feasibility of replacing the Hood River-White Salmon Interstate Bridge. The feasibility study would evaluate environmental impacts, engineering requirements, design and construction options, cost and financing options and project delivery methods and schedules. The proposed study would have been presented to the legislative assembly and included recommendations on the next steps for funding and replacing the bridge.

The bill authorized ODOT to request \$5 million in lottery bond revenue for the study. HB 2749 also proposed establishing the Hood River Bridge Study Fund where funds would be continuously appropriated and bond funds would be held. ODOT would reimburse the Port of Hood River for expenses from the bond funds through the grant agreement. The agreement would have outlined how the two agencies collaborate, the project development work necessary for the study, and how grant funds would be utilized.

HB 2749 had a public hearing and a work session, but was in committee upon adjournment.



Lane County Transit (SB 1020)

Senate Bill 1020 would have directed the Oregon Department of Transportation to enter into a grant agreement with the Lane Transit District for a \$30,000,000 grant of Lottery Bond proceeds for the expansion of the bus rapid transit and high capacity transit systems.

This bill would have required the Oregon Department of Transportation Rail and Public Transit Division to develop an agreement to award the grant to Lane Transit District that clearly defines expectations and deliverables for the project. ODOT's oversight role would have been administrative in nature and ODOT would not function as the construction or project manager. After review of reimbursement requests the department would reimburse lottery revenues were appropriate.

Senate Bill 1020 had a public hearing and work session, but the bill was in committee upon adjournment.

Left Lane for Passing (SB 532)

Senate Bill 532 attempted to deal with an aggravation of freeway driving: slower moving vehicles that remain in the left-hand lane on multilane highways. The bill would have created the offense of failure to keep a vehicle in the right lane if the driver remained in the left-hand lane except when passing, preparing to turn left, responding to emergency conditions, avoiding merging traffic, or when directed by a traffic control device. The bill had a number of exceptions for congestion and types of vehicle.

SB 532 passed the Senate but remained in committee in the House upon adjournment.

Lobbying Registration Requirements (SB 43)

Senate Bill 43 would have expanded the definition of lobbying to include individuals who work within a public body or private entity whose work responsibilities include lobbying. Individuals who meet the definition of a lobbyist under the bill would be required to register with the Oregon Government Ethics Commission (OGEC). The bill would have required lobbyist statements filed with OGEC to include information on each topic and each measure which was lobbied on during the reporting period. This requirement would not extend to topics or measures that a lobbyist monitored or provided information on when they did not attempt to influence a particular outcome.

This bill passed both chambers but had amendment in the house that the Senate did not take up for concurrence.

Mandatory Road Usage Program (HB 2464)

House Bill 2464 created a mandatory road usage charge program for passenger vehicles model year 2026 and later with an EPA rating of at least 20 miles per gallon. It also continued the practice of treating state fuel taxes as a prepayment of road usage charges but eliminated refunds.

HB 2464 was in committee upon adjournment.

Motorcycle Lane Splitting (SB 385, SB 680 & HB 2665)

Senate Bill 385, Senate Bill 680 and House Bill 2665 were introduced to allow operators of motorcycles to navigate between lanes of traffic traveling in the same direction or on the shoulder when specific conditions existed, such as surrounding vehicles traveling no more than a specific speed (10, 15, or 25 MPH), the motorcycle traveling no more than a specified speed (20, 25, or 30 MPH). One version limited the benefiting vehicle to two-wheeled motorcycles.

Highway Safety is a primary mission of the agency, and Lane Splitting (also known as lane filtering) is not a safe practice in the opinion of the Department. Advocates for the practice argue that the practice protects motorcycle riders from being rear-ended in stop-and-go traffic and that a California study shows it is safer than not lane splitting. However, the department's data shows that on Oregon's highways such a collision is extremely rare, and a motorcyclist is more likely to run into the rear of another vehicle than the reverse.

SB 385 is the only one of these measures that received a public hearing. The Oregon Department of Transportation opposed the measure, which was also opposed by the Governor's Advisory Committee on Motorcycle Safety, AAA, and the Oregon Trucking Association.

All three bills were in committee upon adjournment.

Oregon Wounded Warrior Parking Permits (SB 796 & SB 991)

Senate Bill 796 and Senate Bill 991 would have directed the Department of Transportation to issue Oregon Wounded Warrior parking permits to qualified applicants. It would allow a person issued this parking permit or person transporting a person issued this parking permit to park in any public parking zone either metered or with time constraint without paying parking meter fee or incurring overtime penalties.

The department would have implemented this proposed bill by designing a sticker that reads "Oregon Wounded Warrior" to be given to individuals who qualify for both Oregon Wounded Warriors status, as described in the legislation, and for the disabled person parking placard or decal. Qualifying customers would then place this sticker on their disabled person parking placard or decal.

These bills remained in committee upon adjournment.

Outdoor Advertising Sign “Just Compensation” (SB 778)

Senate Bill 778 would have directed ODOT to include outdoor advertising signs (e.g. billboards) in all engineering and construction plans. It also would have required ODOT to protect outdoor advertising signs from being blocked, damaged, destroyed, or lost during construction projects along highways in Oregon. ODOT would need to repair or replace an outdoor advertising sign if blocked, damaged, destroyed, or lost. In addition, SB 778 would have required ODOT to pay just compensation to the owner if ODOT removes an outdoor advertising sign or if the sign was not able to be relocated in the same section of highway.

ODOT currently treats billboards as personal property and, similar to a business, compensates the owner of removed or relocated signs for all relocation costs of the affected outdoor advertising signs. If the sign was removed or relocated, SB 778 would have required ODOT to pay just compensation to be valued at real market value. This valuation would consider the potential future revenue an outdoor advertising sign may generate.

Over the last two biennia, ODOT has found four instances when relocation of outdoor advertising signs was found to have potentially impacted the owners. Although the impacts may be infrequent, the financial burden could be very significant for the department if outdoor advertising sign removals or relocations require consideration of any revenue the outdoor advertising sign generates.

Senate Bill 778 had a public hearing and a work session, but remained in committee upon adjournment.

Powell (US 26) Sign (HB 2683)

House Bill 2683 required the Oregon Department of Transportation to remove a directional sign, identifying “17th Avenue”, on Powell Boulevard, between SE 20th Avenue and SE 21st Avenue in Portland. The department has agreed to remove the sign without legislation.

HB 2683 was in committee upon adjournment.

Professional Engineer Registration (HB 2935)

House Bill 2935 would have modified the current state requirements for registration of professional engineers. This bill would have allowed a waiver of the state requirements if engineering experience from another jurisdiction, outside of the State of Oregon, were identified.

HB 2935 passed the House but was in the Senate upon adjournment.

Rest Areas (SB 989)

Senate Bill 989 required transfer of rest areas from both the Oregon Department of Transportation and the Oregon State Parks and Recreation Department to the Oregon Travel Information Council. The bill required transfer and unspecified funds from ODOT by July 1 of each year. SB 989 also required the impacted agencies to develop a transition plan with transfers to be completed not later than January 1, 2024.

SB 989 was in committee upon adjournment but rest area transfers were done through HB 2017.

Revenue from Motor Vehicle Fuel Sales (SB 156)

Senate Bill 156 would have required corporate taxpayers to separately report the amount of Oregon sales of motor vehicle fuel on corporate tax returns. The Department of Revenue would have been required to transfer that taxable amount into the State Highway Fund.

Under current Oregon law, businesses who file corporate minimum taxes are not required to determine how much of their taxable revenue is attributable to sales of motor vehicle fuel. Article 9, Section 3a of the Oregon Constitution requires revenues from taxes and fees on motor vehicles and motor fuels to be deposited in the State Highway Fund and expended only for eligible roadway purposes. This change would have resulted in additional revenue for the department.

This bill passed the Senate but remained in the House Committee upon adjournment.

Safe Routes to Schools Fund (HB 3230)

House Bill 3230 would have appropriated \$12 million of General Funds to ODOT for the Safe Routes to School Fund. HB 3230 would have also directed ODOT to expend \$20 million of State Highway funds for Safe Routes to Schools infrastructure projects and to prioritize safety projects that are within a one-mile radius of a school that is considered high poverty under Title I of the federal Elementary and Secondary Act of 1965. The intent of the program is to provide safe pedestrian and bicycle routes for children traveling to and from school.

House Bill 3230 remained in committee upon adjournment. Safe Routes to Schools received funding under HB 2017.

State Agency Debt Collection (SB 89)

Under current law, state agencies may offer liquidated and delinquent accounts to a private collection agency. Senate Bill 89 proposed to instead require state agencies to offer liquidated and delinquent accounts to the Department of Revenue. The Department of Revenue would then have six months after the assignment to collect a payment. If no payment was collected after a period of six months, SB 89 would require the Department of Revenue to offer the account to a private collection agency.



ODOT currently has contracts with private collection agencies. SB 89 would have potentially required the department to terminate those contracts as ODOT would work directly with Department of Revenue and would no longer work directly with private collection agencies. Additionally the Department of Revenue would need to provide collections information back to ODOT in order for ODOT to prepare the current legislatively required report to Legislative Fiscal Office.

SB 89 had a public hearing and two work sessions, but remained in committee upon adjournment.

State Transportation Donation Fund (SB 798)

Senate Bill 798 proposed establishing the State Transportation Donation Fund in the State Treasury to receive gifts, donations and other property or funds. Donations could be made to a specific purpose, and if no purpose was specified, the Oregon Transportation Commission could determine on which project the money would be spent.

Oregon law currently allows state agencies to accept gifts or donations of money or land. Current law also indicates that donors can specify the use of the donation. ODOT has a process for how to receive donations, although it is rare that the agency receives donations. Since January 2015, ODOT has received two donations - one for general purpose and one for a specific purpose.

Senate Bill 798 had a public hearing and work session, but remained in committee upon adjournment.

Task Force on Vision Zero (HB 2667)

House Bill 2667 proposed establishing a task force on Vision Zero. The task force would have consisted of 17 members a broad range of transportation stakeholders, the legislature, and law enforcement. The task force was to be charged with examining strategies to reduce and eliminate serious injuries and fatal injuries, with a particular emphasis on crashes involving bicyclists and pedestrians.

The bill would have included the Oregon Department of Transportation on the 17-member task force. The bill would have also required ODOT to provide staff support to the task force.

A public hearing was held for House Bill 2667. The bill remained in committee upon adjournment.

Transportation Network Company Regulations (HB 3043, HB 3093 & HB 3157)

House Bill 3043, House Bill 3093 and House Bill 3157 would have required the department to regulate either transportation network companies (TNCs), such as Uber and Lyft, or taxis, limousines and for-hire vehicles.

HB 3043, HB 3093 and HB 3157 would have required ODOT to receive criminal and sex offender information about potential drivers and to assess civil penalties for TNC's that engage such drivers, set standards for drug testing and assess civil penalties for TNC's that do not drug test every time a driver connects to the digital network, and completely oversee the taxi, limousine and for-hire vehicle business with standards for entry to the marketplace, setting rates, regulating routes, and setting safety, equipment, and insurance standards.

These bills moved through the legislative process as group, each receiving two public hearings but remaining in committee upon adjournment.

Transportation Planning (HB 2532)

House Bill 2532 would have modified the process by which the Oregon Department of Transportation engages in transportation planning efforts by prioritizing a public process by which to score and rank the selection of projects. It also required the agency to develop a comprehensive website to explain how each project was or was not selected. Finally, HB 2532 also required the agency to use both least cost planning and practical design standards for all projects.

HB 2532 was in committee upon adjournment.

Way of Necessity (HB 2208 & HB 3463)

House Bill 2208 was originally introduced to allow a property owner to seek access to their property for development after rezoning. The original bill had ODOT liable for the associated costs and did not define a time frame by which individuals could come forward to seek a way of necessity.

HB 2208 remained in committee upon adjournment.

House Bill 3463 was introduced after HB 2208 did not progress. HB 3463 removed the requirement for public financial responsibility and narrowed the criteria by which a way of necessity could be accessed by citing four specific criteria around previous access acquisition, underdevelopment, modifications to traffic patterns and adherence to current safety standards, as determined by local jurisdictions.

HB 3463 also remained in committee upon adjournment.