



Oregon
Department
of Transportation

Legislative Summary

2019





Oregon’s annual legislative session came to a close June 30, 2019. There were 2,768 bills, memorials and resolutions introduced during the 2019 session and of those, the legislature passed 1,205.

Legislators advanced a number of bills, memorials, and resolutions that directly or indirectly affect ODOT. If you have questions about 2019 transportation-related legislation, please contact Government Relations staff.

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Copies of 2019 enrolled bills (the copy the Governor signs) may be found on the legislative website: <https://olis.leg.state.or.us/liz/2019R1/Measures/list/>.

Measures signed into law are known as “session laws” and are available on the legislative website under Oregon Laws. Permanent laws passed during the 2019 Legislative Session will not be codified until the 2019 edition of Oregon Revised Statutes is released. The 2019 ORS will be distributed and made available online late summer 2019.

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

¹ Matthew L. Garrett served as Director of the Oregon Department of Transportation through the duration of the 2019 legislative session; his tenure ended June 30, 2019. As of the date of this publication, Paul Mather serves as the Department’s Deputy Director while the Oregon Transportation Commission engages a recruitment for a permanent director.



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House Measures

Middle Housing Land Zoning

House Bill 2001

Effective Date: Upon Passage

House Bill 2001 requires cities with a population over 25,000 and all cities and counties located within Metro to allow for middle housing (duplexes, triplexes, quadplexes, cottage clusters, and townhouses) in areas currently zoned for single family residential areas, and for cities with a population between 10,000 and 25,000 to allow for duplexes within areas zoned exclusively as single family residential. The measure does not require local government consideration of impacts to an existing or planned transportation facility. However, the measure allows additional time for local government zoning changes where the city or county has deficient infrastructure, including transportation.

Regional Housing Needs Analysis

House Bill 2003

Effective Date: Upon Passage

House Bill 2003 requires Oregon Housing and Community Services Department (OHCS), with the Department of Land Conversation and Development and the Department of Administrative Services, to develop a methodology for conducting a regional housing needs analysis. The measure requires cities with a population greater than 10,000 to estimate its housing need and capacity at least every eight years, and for Metro and cities within Metro to estimate the housing need every six years. The measure allows for rezoning under certain circumstances, and allows OHCS to change the regional boundaries to enable regional alignment with shared employment, transportation, or housing market dynamics.

Paid Family and Medical Leave

House Bill 2005

Effective Date: Sept. 29, 2019

House Bill 2005 creates a family and medical leave insurance program administered by the Oregon Employment Department (OED). The measure provides for up to 12 weeks of paid family or medical leave, and is funded by a 1% payroll tax, split between the employer and the employee. The measure directs OED to adopt rules establishing the program and authorizes the department to contract with a third-party to administer the program. The measure provides for employment protections against retaliation for the use of paid family and medical leave, as well as return-to-work provisions. Recipients are eligible for benefits beginning January 1, 2023.

Clean Diesel

House Bill 2007

Effective Date: Upon Passage

House Bill 2007 requires certain diesel engines in the tri-county area (Clackamas, Multnomah, and Washington counties) to meet specific standards as a condition of vehicle title and/or registration. The measure establishes a phased-in clean diesel engine requirement, prohibiting issuance of registration and title according to the following schedule:

- 2023: Registering medium-duty and heavy-duty vehicles model year 1996 or older.
- 2025: Titling medium-duty vehicles 2009 or older; and
Titling heavy-duty vehicles 2006 or older.
- 2029: Registering medium-duty vehicles model year 2009 or older;
Registering heavy-duty vehicles owned by a public body, model year 2009 or older; and
Registering heavy-duty vehicles model year 2006 or older.

The measure provides certain exemptions and directs the Oregon Department of Environmental Quality (DEQ) to determine whether an engine meets the clean diesel requirements. The measure also directs DEQ to establish a voluntary sticker program for diesel construction equipment.

Additionally, House Bill 2007 establishes certain standards for construction equipment used on large public improvement contracts in the tri-county area. These requirements apply to certain large projects contracted 2022 and later, and also apply to three specific projects in the Portland metro area (I-5 Rose Quarter, I-205: Stafford Rd to OR 213, and OR 217).

Finally, the measure authorizes DEQ's use of the Volkswagen Settlement Fund and establishes a Task Force to consider future program expansion and small business impacts.

Removes Legal Presence Requirement for Standard Driver License or ID Card

House Bill 2015

Effective date: Upon Passage

Operative Date: Jan. 1, 2021

Since 2008, Oregon law has required applicants for a driver license or identification card to show proof of legal presence in the U.S. Under a bill passed in 2017, DMV will begin offering Oregonians the option of REAL ID compliant licenses and ID cards in July 2020. REAL ID credentials require proof of legal presence in the U.S. HB 2015 removes the requirement to show legal presence for the standard license or ID card, after the REAL ID credentials are available. Applicants for the standard credential will continue to show proof of identity and Oregon residency, and will need to pass tests – vision, knowledge, and skills – just as applicants do under current law. Oregonians will have a choice of credentials.

Paid Time for Union Activities

House Bill 2016

Effective Date: Jan. 1, 2020

House Bill 2016 requires public employers to grant employees reasonable time to engage in certain union-related activities, during regularly scheduled work hours, without loss of compensation, seniority, leave accrual, or other benefits. The measure requires public employers be reimbursed for this time. The measure authorizes public employers and exclusive representatives to enter into agreements providing terms and conditions of these activities and associated leave requests, and subsequent reimbursements provided to the employer.

Liquidated and Delinquent Debt

House Bill 2094

Effective Date: Sept. 29, 2019

Operative Date: Jan. 1, 2020

House Bill 2094 authorizes contracting agencies, as part of an evaluation of a bid or proposal, to consider whether the bidder or proposer owes a liquidated and delinquent debt to the State. This measure is a continuation of the work of Executive Order 17-09, issued on May 5th, 2017, and better enables state agencies to collect outstanding debts owed to the state.

Exempts County from Splitting Local Vehicle Registration Fees with Cities

House Bill 2112

Effective Date: Sept. 29, 2019

A county may impose a vehicle registration fee in addition to, and collected at the same time as, the state's vehicle registration fee. Multnomah County has had a local registration fee for several years and used the proceeds to fund replacement of the Sellwood Bridge. Under the law in place at that time, all the county's registration fee proceeds went to that effort; the local registration fee law in effect today requires a county to send 40% of the proceeds to cities within the county.

HB 2112 eliminates the requirement to split the proceeds – allowing the county to keep all the proceeds – where the county has a population over 650,000 and the funds are used to improve bridges that cross the Willamette River in the City of Portland. With construction complete on the Sellwood Bridge, Multnomah County will begin repairing and seismically reinforcing the Burnside Bridge and will use its local registration fee proceeds to fund this work. (Multnomah County is responsible for a total of six bridges over the Willamette within the City of Portland.)

Transportation-related Tax Credits

House Bill 2164

Effective Date: September 29, 2019

House Bill 2164 is the 2019 legislative session's omnibus tax credit package. Among other provisions, the measure establishes a short line railroad rehabilitation tax credit, administered by the Oregon Department of Revenue; ODOT will certify the project for which the credit is applied. ODOT may establish rules and procedures for determining the amount of allowable tax credit, and standards for what constitutes completion of a short line railroad rehabilitation project. The tax credit is available beginning tax year 2020 through December 31, 2025.

Additionally, this measure extends the existing weight-mile exemption for certain heavy trucks participating in EPA emissions testing; this exemption extends until December 31, 2025.

Oregon Broadband Office

House Bill 2173

Effective Date: Jan. 1, 2020

House Bill 2173 establishes the Oregon Broadband Office within the Oregon Business Development Department (OBDD). The measure requires the office to engage in various activities related to the planning, development, support, and promotion of broadband services in Oregon. Additionally, the measure amends the membership of the Oregon Broadband Advisory Council to include at least one member that represents a service provider headquartered in rural Oregon, and one member to represent the Oregon Department of Transportation.

High Hazard Train Routes

House Bill 2209

Effective Date: Jan. 1, 2020

House Bill 2209 requires railroads that own or operate high hazard train routes to develop oil spill contingency plans and requires Oregon Department of Environmental Quality to review and approve these plans. The measure outlines a triennial training schedule for high hazard oil train spill response and sets forth additional requirements for a plan adopted by the Oregon State Fire Marshal.

Additionally, the measure authorizes a gross revenue fee of up to .05 percent on certain railroads and a per-car fee no greater than \$20 on oil tank rail cars entering the state or originating in the state to support the work directed in the bill.

Prohibits ODOT from Charging Fee for ID Cards

House Bill 2226

Effective Date: Jan. 1, 2020

A parking identification card is valuable to Oregonians who need a disabled person parking placard, but due to a medical condition cannot come into a DMV field office to obtain a standard ID Card. Previously, the law required DMV to charge a fee, which this bill eliminates beginning January 1, 2020.

Clarifies Farm Tractors may Operate on State Highways

House Bill 2236

Effective Date: Jan. 1, 2020

It is a traffic violation to operate a low speed vehicle on a state or local highway with a posted speed or speed limit over 35 miles per hour (MPH). A low speed vehicle is one with four wheels and a top speed between 20 and 25 MPH. Current law provides that a local government may allow, by ordinance, low speed vehicles to operate on its roads with a higher speed limit or posted speed. House Bill 2236 clarifies that a farm tractor is exempt from the limitations on low speed vehicles when operating on a state highway.

Cigarette Tax Increase

House Bill 2270

For voter consideration Nov. 5, 2020

House Bill 2270 increases the existing cigarette tax by a minimum of \$2 per pack of cigarettes; the measure also imposes a tax on electronic cigarettes. The bill modifies the distribution of the tax revenue dedicated to the Oregon Health Authority, directing 90% to support the Oregon Health Plan (Medicaid expansion) and 10% to tobacco prevention and cessation programs. The bill will be considered by the voters during the November 2020 General Election.

Elderly and disabled transit services receive a portion of cigarette tax revenues; the measure retains the existing percentage distribution. If approved by voters, the cigarette tax increase will be effective Jan. 1, 2021.

Adds Juvenile Department Employees to List of Public Servants who may use Work Address on DMV Records

House Bill 2321

Effective Date: Sept. 29, 2019

House Bill 2321 adds county juvenile justice workers to the list of law enforcement, human services employees, and others who may request that their DMV driver or vehicle record use their work address instead of their home address.

The bill also provides county juvenile justice employee the same public records request exemption as public safety officers for their home address, telephone number, or name if certain conditions are met.

Allows Optional Titling of Park Model RVs by DMV

House Bill 2333

Effective Date: Jan. 1, 2020

“Park Model Recreational Vehicle” (PMRV) is the term for a cabin-like structure, manufactured for temporary or seasonal use, mounted on a trailer, and having an area less than 400 square feet. Most exceed the usual 8.5 foot maximum width to be considered a “vehicle” under current Oregon statute. They have been existing in a legal gray area for some time, with no state or local agency issuing them an ownership document. Such documents are routinely required for purchasers to secure financing.

House Bill 2333 codifies a definition of PMRVs, to be further detailed by DMV in rule, and specifies PMRV’s eligibility for an ownership document at DMV via the optional titling statute. The bill specifically prohibits DMV from issuing registration (license plates) to a PMRV.

Reasonable Accommodations for Pregnancy-Related Conditions

House Bill 2341

Effective Date: Jan. 1, 2020

House Bill 2341 provides certain workplace and employment protections to employees and employee-candidates related to pregnancy, childbirth, and other pregnancy-related conditions. The measure exempts certain employers and otherwise provides accommodation for certain employer hardship or difficulty. The measure requires all employers notify employees of these new protections, and requires Oregon Bureau of Labor and Industries to provide training and educational materials.

Safety Belt Exemption for Newspaper and Mail Delivery

House Bill 2347

Effective Date: Jan. 1, 2020

ORS 811.210 requires seatbelts be worn by drivers and passengers while a vehicle is operated on a public road; failure to do so is a Class D traffic violation that carries a presumptive fine of \$115. There are several exemptions to the seatbelt requirement, including one for individuals delivering newspapers or mail in the regular course of work. House Bill 2347 clarifies that the exception to the seatbelt requirement for mail or newspaper delivery applies when that driver is on their route and making deliveries, and not in their capacity as a private citizen.

Penalty for Undue Delay of Public Records

House Bill 2353

Effective Date: May 23, 2019

House Bill 2353 authorizes the Attorney General, district attorney, or court to require a public body to pay a penalty of \$200 to a public records requester, order a fee waiver, or a fee reduction, if it is determined that the public body responded to the request with undue delay, or failed to respond to the request entirely.

Person with Totaled Vehicle Keeps Plates and Remaining Registration Period

House Bill 2576

Effective Date: Jan. 1, 2020

House Bill 2576 provides consumers access to their license plates on their vehicle in a tow yard, and makes small, customer-friendly changes to the license plate transfer laws. Under the bill, the owner of a totaled vehicle will be able to maintain those plates on the totaled vehicle, or transfer those plates to another vehicle, just as owners of other vehicles may do.

Omnibus Transportation Fix Bill

House Bill 2592

Effective Date: Sept. 29, 2019

House Bill 2592 is the 2019 legislative session's omnibus transportation fix bill. The measure includes several technical corrections to HB 2017 (Transportation Funding Package) as well as non-package related technical corrections and programmatic changes.

The measure:

- Clarifies the role of the Continuous Improvement Advisory Committee (CIAC);
- Aligns provisions relating to Oregon Transportation Commission’s conflict of interest with the Oregon Government Ethics Commission statutes;
- Modifies certain provisions related to Conditional Increase Accountability Reporting;
- Modifies the dedicated Connect Oregon rail project;
- Modifies certain provisions related to use tax collection;
- Modifies certain provisions related to Connect Oregon program;
- Clarifies certain provisions related to Charge Ahead rebate program;
- Clarifies use of dedicated I-5 Rose Quarter funding;
- Clarifies registration rate for certain permanently-registered vehicles;
- Clarifies exemption for certain variance permits; and
- Modifies certain provisions related to administration of weight-mile tax.

Train Delay Study

House Bill 2603
Effective Date: Jan. 1, 2020

Pursuant to federal law and to facilitate the transport of people between communities, Amtrak passenger rail cars may operate on freight rail lines with preference over freight cars. However, Amtrak Cascades passenger rail operations in Oregon often experience delays caused by freight interference. Unfortunately, not much detailed information is collected or otherwise known about the reasons contributing to the passenger rail delay. House Bill 2603 directs ODOT to study train delays experienced by these passenger rail trains and report on its findings by September 15, 2020. The measure specifies certain information that must be reported; this act is repealed on January 2, 2021.

Bicycle Lanes in Intersections

House Bill 2682
Effective Date: Jan. 1, 2020

House Bill 2682 clarifies that bicycle lanes exist in intersections if the lane is marked on opposite sides of the intersection in the same direction of travel. This legislation was introduced in response to two separate Oregon court cases, which held drivers failing to yield to a bicyclist in an intersection were not at fault due to the lack of lane marking in the intersection. The measure does not require physical bike lane markings within intersections, but clarifies the bike lane exists in absence of physical lane markings.

Wildlife Corridor Action Plan and Program

House Bill 2834

Effective Date: Jan. 1, 2020

House Bill 2834 requires the Oregon Department of Fish and Wildlife collect data regarding the connectivity of wildlife habitat areas and, in cooperation with ODOT, develop a Wildlife Corridor Action Plan. The measure intends to address wildlife-vehicle conflicts, particularly in areas where wildlife habitat and public roads intersect. As directed in the measure, ODOT will establish the program by December 2023 and will consider wildlife crossing features as part of certain projects. The measure requires biennial reporting; the first report is due by September 2024.

A similar bill, Senate Bill 583, was introduced in the Senate but did not receive a public hearing.

Public Use Waterway Access

House Bill 2835

Effective Date: Sept. 29, 2019

House Bill 2835 ensures no net loss of public access to recreational waterways, and seeks to increase the number of public access points across the state. The measure, among other provisions, requires ODOT to develop a process whereby another state agency may suggest modification to certain ODOT projects if that modification may provide suitable recreational waterway access.

OReGO Program Changes

House Bill 2881

Effective Date: Sept. 29, 2019

House Bill 2881, developed in consultation with the Road User Fee Task Force, makes a variety of program changes to OReGO, ODOT's voluntary road usage charging (RUC) program. The measure makes changes intended to prepare the program for future expansion, as the conversation around funding Oregon's transportation system continues to evolve. These changes include:

- Waives additional registration fees implemented by HB 2017 (2017) for vehicles with an mpg rating of 40 mpg or greater;
- Sets a minimum 20 mpg rating for new participants, while grandfathering in existing vehicles;
- Removes the refund provision for vehicles that pay more fuel taxes than RUC charges;
- Removes enrollment caps;
- Provides ODOT enforcement authority;

- Directs ODOT to work with vehicle dealers to study how to encourage OReGO enrollment at point of sale; and
- Sets the RUC rate via formula commensurate with fuels tax rate.

Delays Bond Requirement for Vehicle Mechanics

House Bill 2913

Effective Date: Repeal effective May 2, 2019

New provision operative: July 1, 2020

In 2018, House Bill 4087 passed and required vehicle repair shops to carry a bond of at least \$20,000 before they could assert valid liens on customer vehicles due to non-payment for work performed. The bond would cover any damages or costs incurred by a vehicle owner who brings suit against the repair shop. This requirement took effect January 1, 2019, but mechanics found they were unable to obtain the required bond.

House Bill 2913 suspends the surety bond requirement until July 1, 2020. There is an emergency clause, making the suspension of HB 4087 (2018) effective upon passage.

Temporary Duplicate Disabled Person Parking Permit Changes

House Bill 2999

Effective Date: Part 1 Jan. 1, 2020

Part 2 Operative July 6, 2020

Current law allows ODOT-DMV to issue one disabled person parking placard per applicant; DMV can also issue a temporary duplicate parking placard for travel purposes. The temporary duplicate permit is valid for 30 days. Unlike every other kind of parking placard, statute does not allow DMV to issue the temporary duplicate permit by mail.

House Bill 2999 allows DMV to issue the temporary duplicate by mail, operative January 1, 2020. The bill also extends the period of time for which a temporary duplicate parking placard may be issued from 30 days to 120 days. That provision has a delayed operative date of July 6, 2020, to coincide with the roll-out of phase 2 of DMV’s major IT replacement project.

Ignition Interlock Devices Oversight Program Fixes

House Bill 3005

Effective Date: July 1, 2019

In 2017, the Legislature passed House Bill 2638, which established oversight of the private vendors and the offenders who are users of ignition interlock devices (IID), and directed the

agency to adopt fees by rule to cover the costs of running the program. When an individual is convicted of DUII or enters a diversion program, an IID is required to be installed in that person's vehicle; it prevents the person from starting the vehicle if the device detects alcohol in their breath. The IID also triggers a negative report from the device, which goes to the device service center and ultimately to court. The oversight program transfers to Oregon State Police (OSP) on July 1, 2019.

House Bill 3005 makes small technical and clarifying changes to this oversight program to achieve legislative intent and enable uninterrupted transfer to OSP. It allows the agency to charge different types of fees on vendors to more equitably distribute the costs of running the program. The bill also changes the percent blood alcohol level needed to trigger the device from .00 to .02 to conform with national best practice standards, and directs OSP to develop a process by which an individual can contest a negative report.

Spouse of Armed Forces Member Eligible for Temporary Licensing Board Authorization

House Bill 3030

Effective Date: Sept. 29, 2019

Operative Jan. 1, 2020

House Bill 3030 allows state professional licensing board to issue temporary work authorization if a person meets all four of the following criteria: is spouse of U.S. Armed Forces member stationed in Oregon, holds current authorization issued by another state, provides sufficient proof that person is in good standing with out-of-state licensing board, and has demonstrated competency. The measure directs the board to revoke temporary authorization when the spouse completes term of military service in Oregon or when out-of-state authorization expires; the measure specifies that temporary authorization is not renewable.

County Safety Corridor Pilot Program

House Bill 3213

Effective Date: Jan. 1, 2020

Under current Oregon law, ODOT may establish safety corridors on state highways to reduce the rates of serious and fatal injuries resulting from traffic incidents; House Bill 3213 establishes a pilot program to extend this designation to county roads. The measure establishes a County Safety Corridor Advisory Group comprised of members appointed by the ODOT Director; the group will select up to five counties to participate in the pilot program and establish criteria for county safety corridor designation and decommissioning. The measure requires each selected county, in consultation with ODOT, to report to the legislature on the pilot program's results. The pilot program sunsets in 2026.

Hardship Driver Permit Allows Driver to Provide Necessary Services to Family

House Bill 3214
Effective Date: Jan. 1, 2020

House Bill 3214 expands the reasons ODOT-DMV may issue a hardship permit to someone whose driver license has been suspended. In addition to current provisions for employment, addiction treatment, and certain medical treatment reasons, the bill adds “providing necessary services to the suspended individual or their family members.” “Necessary services” will be defined in rule by ODOT, and must at least include grocery shopping, driving to medical appointments or school, and care for elderly family members.

Mixed-Use Housing within Employment Lands

House Bill 3450
Effective Date: Jan. 1, 2020

House Bill 3450 establishes a pilot program allowing the City of Bend to adopt changes to its comprehensive plan and land-use regulations to allow for high density or mixed-use housing within areas zoned for employment lands. The measure requires the City of Bend to consult with ODOT prior to adopting these changes and submit the changes to the Land Conservation and Development Commission for review and approval.

The pilot program sunsets January 2, 2024.

POW/MIA Memorial Highway

House Bill 3452
Effective Date: Jan. 1, 2020

House Bill 3452 designates the Oregon section of U.S. Highway 26 starting where the highway intersects with U.S. Highway 101 and ending at the Idaho border as the POW/MIA Memorial Highway. The memorial highway will be designated with signs installed and maintained by ODOT.

Senate Measures

Central Business Services for the Department of Aviation

Senate Bill 53
Effective Date: Jan. 1, 2020

Under current law, ODOT must provide central business services to the Oregon Department of Aviation (ODA), including human resources, information systems, purchasing and contracting, and many others. Senate Bill 53 authorizes ODA to receive certain central business services from entities other than ODOT, by removing the statutory requirement that ODOT provide these services.

Optimization of DMV’s Service Transformation Program

Senate Bill 57
Effective Date: June 11, 2019
Operative Dates: Jan. 1, and July 1, 2020

Senate Bill 57 makes adjustments and technical changes to statutes related to the Driver and Motor Vehicle Services Division (DMV) of ODOT, particularly to optimize the state’s \$90 million investment in its Service Transformation Program. Changes include providing notice by means other than mail for compliance with motor vehicle insurance, card expiration reminder, implied consent hearings, suspension of driving privileges, and cancellation notices. The bill also eliminates the change of address sticker requirement on driver licenses and identification cards; allows use of information on “junk vehicles” from a federal database now available to Oregon DMV with the new system; and rulemaking authority to seek out-of-state records for applicants.

Tracking and Reporting of Travel Awards

Senate Bill 72
Effective Date: Jan. 1, 2020

Senate Bill 72 eliminates the requirement that state agencies track and manage all travel awards, such as airline mileage accrued by booking commercial flights, earned by state employees through official state travel.

Eliminate DCBS Regulation of RV Construction

Senate Bill 410

Effective Date: Jan. 1, 2020

Senate Bill 410 eliminates the Department of Consumer and Business Services' (DCBS) regulation of recreational vehicles (RVs) and recreational structure construction. Under current law, Oregon is one of only three states in the nation to regulate the manufacture of RVs. The bill does not divest DCBS or local building inspection programs of their authority over violations committed prior to the effective date of the bill.

Exemption from Maximum Weight Limitations for Electric Powered Heavy Trucks

Senate Bill 411

Effective Date: Jan. 1, 2020

Senate Bill 411 increases the maximum allowable weight of heavy trucks powered primarily by electric battery. This exemption is the same already granted to vehicles that use natural gas as a fuel source, and allows these vehicles to exceed the maximum weight limitation by up to 2,000 pounds. Federal law strictly controls nearly all aspects of heavy truck regulation; federal law has been changed authorizing states to make this weight allowance for electric-powered trucks if the state chooses to do so.

Person with Disabled Parking Permit May Park in Space Reserved for Residents

Senate Bill 438

Effective Date: Jan. 1, 2020

Oregon statute authorizes a person issued a disabled parking permit to park in specific locations without incurring penalties. Persons may apply for a disabled parking permit through ODOT-DMV and an authorized physician must certify the applicant's eligibility. Senate Bill 438 authorizes those with a disabled person parking permit to park in spaces reserved for residents by a road authority. While some parking privileges for those with a placard must be adopted by a local jurisdiction, this bill's provisions apply without the need for local government action.

Transportation Funding Package Fix

Senate Bill 450

Effective Date: Sept. 29, 2019

Senate Bill 450 makes technical corrections to the conditions that must be met for subsequent fuels tax increases to take effect. This measure clarifies the process for ensuring fuel tax recipients are in compliance with statutory provisions requiring least cost contracting. Under the measure, the Commissioner of the Bureau of Labor and Industries shall determine an entity's compliance; if an entity is determined out of compliance, ODOT will withhold fuels tax revenues until the entity is in compliance.

Preventing Workplace Harassment

Senate Bill 479

Effective Date: Sept. 29, 2019

Senate Bill 479 requires public employers to establish a written policy that seeks to prevent workplace harassment. Additionally, the measure requires public employers to establish policies and procedures for the prompt investigation of workplace harassment, and prevents the use of settlements, separation, or severance agreements unless requested by the employee.

Repeals Crime of Unlawfully Transporting Hay

Senate Bill 509

Effective Date: Jan. 1, 2020

Current law requires anyone hauling more than 20 bales of hay on a public highway to have possession of a transportation certificate signed by the producer or the agent of the producer. Failure to do so is a Class C misdemeanor. This requirement originally assisted in preventing the theft of hay bales that, at the time, generally weighed 75-90 pounds. Theft of bales was prevalent due to their size, weight, and ease of access. Today, the average hay bale typically weighs 1,000 pounds and requires specialized equipment to move. The measure's proponents assert changes in the industry eliminate the need for additional regulation on the transport of hay initially designed to prevent theft.

Senate Bill 509 ends the requirement that anyone hauling more than 20 bales of hay on a public highway to have possession of a transportation certificate.

Five Mile per hour Speed Reduction

Senate Bill 558

Effective Date: Jan. 1, 2020

Senate Bill 558 allows a city to establish by ordinance speed limits five miles per hour lower than statutory speed limits on non-arterial residential roads, without first requesting approval from ODOT. This statutory authority was originally granted exclusively to the City of Portland (HB 2682 (2017)); SB 558 extends this authority to all cities in Oregon.

Senate Bill 558 also extends speed limit enforcement applicability to highways instead of only for specific roadways within cities or areas with statutorily designated speeds. The measure does not negate the basic speed rule, but brings speed limits to rural highways and roads outside of cities.

Preventing Unlawful Conduct in the Workplace

Senate Bill 726

Effective Date: Sept. 29, 2019

Senate Bill 726 prohibits the use of nondisclosure agreements as a condition of employment if the agreement prohibits the disclosure or discussing of cases of employment discrimination or sexual assault. The measure sets the terms and conditions of use of nondisclosure agreements. Additionally, the measure requires every employer to adopt a written policy codifying their procedures and practices for reducing and preventing discrimination and sexual assault.

Auto Auction Company Lien on Stored Motor Vehicles

Senate Bill 759

Effective Date: June 11, 2019

Under current Oregon law, certain business entities, such as towers and vehicle repair shops, may attach liens on vehicles in their possession to secure payment for services rendered. Senate Bill 759 clarifies auto auction companies may also exercise this provision, giving an auction company the clear authority to place a lien on vehicles it possesses and stores. The measure also allows the auction company to title the vehicle in the auction company's name if the vehicle remains unclaimed after 30 days, or in the name of the insurance company or a 501(c)(3) charitable organization if the company or organization directed the auction company to take possession.

Criminal Records Checks Related to Employment

Senate Bill 775

Effective Date: Jan. 1, 2020

Senate Bill 775 requires criminal records checks conducted by state agencies for employment purposes be conducted through the Oregon State Police, or through the Law Enforcement Data System. ODOT currently uses a third-party vendor to conduct more than 1,800 employment-related background checks per year.

Auto Dismantler Licenses and Inspections Required More Frequently and Include Environmental Issues

Senate Bill 792

Effective Date: Jan. 1, 2020

Under existing law ODOT-DMV licenses auto dismantlers, primarily to ensure vehicle titles and other DMV-required paperwork are in order, and wrecked vehicles that are no longer street legal are not put back into circulation. Licenses are valid for three years, and DMV investigators inspect each location at least once every three years. SB 792 increases the frequency of license renewal and DMV inspections to yearly, and adds four specific environmental checks to be performed by DMV investigators. While increasing frequency of license renewal, the bill also reduces the fee. The bill increases the bond amount a dismantler must carry, from \$10,000 to \$100,000, but delays the operative date of that provision until May 1, 2020.

Car Rental Company Vehicle Registration Without Primary Ownership Document

Senate Bill 807

Effective Date: Jan. 1, 2020

Some car rental companies in Oregon purchase large volumes of new cars, directly from the manufacturers, for their rental fleet. A few manufacturers deliver vehicles before sending the proof of ownership document to the purchaser that is required by law to receive vehicle title and registration. The manufacturers' delay in sending paperwork causes rental companies lost revenue because they cannot rent out their vehicle until DMV issues a license plate (registration). Senate Bill 807 allows issuance of the license plate, in very limited circumstances, before the ownership document arrives. DMV is required to write rules to ensure integrity of ownership. DMV cannot issue title to the rental company until the ownership document arrives.

“Vulnerable User of a Public Way” Includes Moped and Motorcycle Riders

Senate Bill 810
Effective Date: Jan. 1, 2020

ORS 801.608 establishes a list of individuals who are considered “vulnerable users of a public way.” This list includes, among others, pedestrians, highway workers, bicyclists, and those operating farm equipment. Two Oregon statutes penalize those whose error causes harm to vulnerable users of a public way. Under ORS 163.160(1), a person commits assault in the fourth degree if that individual, while driving, causes serious physical injury to a vulnerable user while acting with criminal negligence. ORS 811.135(3) increases the penalty for persons convicted of careless driving that seriously injures or kills a vulnerable user. In addition to fines, it requires that the defendant complete a traffic safety course and perform between 100 and 200 hours of community service as directed by the court.

Senate Bill 810 adds moped and motorcycle riders to the list of vulnerable users of a public way.

Licensing Boards Must Accept Other Federally Issued ID in Lieu of Social Security Number

Senate Bill 854
Effective Date: Sept. 29, 2019
Operative Date: Jan. 1, 2020

Senate Bill 854 directs professional licensing boards, unless otherwise required by federal or state law, to accept a federally issued identification number in lieu of the applicant’s Social Security number for the issuance or renewal of a licensure, certification, or other authorization to provide the occupational or professional service.

Licensing Boards to Study How Immigrants and Refugees Become Authorized

Senate Bill 855
Effective Date: June 20, 2019

Current regulations require construction contractors, landscape contractors, athletic trainers, cosmetologists, nurse assistants, and many others to obtain an occupational license in order to engage in that profession. According to the Migration Policy Institute, Oregon was home to 55,000 immigrants with at least a bachelor’s degree from 2009 to 2013. Roughly a quarter of those individuals were unemployed or working in a low-skilled job, resulting in \$272.5 million in lost annual earnings and \$27.7 million in forgone annual state and local tax payments.

Senate Bill 855 requires state entities that administer and enforce occupational licensing requirements to study how immigrants and refugees become licensed, develop and implement methods to reduce barriers to licensure for immigrants or refugees, and report to the Legislative Assembly on their progress by November 30, 2019.

Idaho Stop

Senate Bill 998

Effective Date: Jan. 1, 2020

Senate Bill 998 authorizes bicyclists to proceed through intersections, or make a right or left turn into a one-way or two-way street, at intersections controlled by stop signs or flashing red lights, without coming to a complete stop. When proceeding through an intersection, bicyclists must yield right of way to lawful traffic, obey orders of a police officer or flagger, exercise care to avoid an accident, and yield to pedestrians. Failure to comply with these requirements is a Class D traffic violation.

Informing of Rights and Consequences Relating to DUII

Senate Bill 999

Effective Date: Jan. 1, 2020

Senate Bill 999 was passed in response to *State v. Banks*, an Oregon Supreme Court case decided in February 2019. The case dealt with the Implied Consent law, and an officer's procedures to obtain a breath test when a person is suspected of Driving Under the Influence of Intoxicants (DUII). The bill modifies the statutorily-required script an officer must read when seeking a breath test during a stop for DUII.

The *Banks* court determined that the officer's request for the driver to "take" a breath test was ambiguous, therefore the refusal to submit to the breath test was inadmissible evidence at trial. The court said it was unclear if the officer was asking the person to consent to a search (constitutionally, an exception to the warrant requirement), or asking the person to physically blow into the device (a question with no constitutional implications). Because statute directs exactly what an officer must say to a person stopped or under arrest for DUII, including the "take" language, officers were left in a Catch-22: either comply with *Banks* and violate the statute, or comply with statute and ignore *Banks*. The bill changes the statutory script to match the requirements of the court's decision.

Promoting Zero-Emission Vehicle Use

Senate Bill 1044

Effective Date: Jan. 1, 2020

Senate Bill 1044 establishes statewide goals for the transition of Oregon’s motor vehicle fleet to electric vehicles by 2035. The measure requires the Department of Energy to report biennially on the state’s progress toward achieving this goal, and recommend legislation to assist in this transition.

Additionally, the measure requires that by 2025, 25% of an agency’s new light-duty vehicle purchases or leases be zero-emission vehicles, unless the use of a zero-emission vehicle is not feasible. The measure requires all light-duty vehicle purchases and leases to be zero-emission vehicles by 2029.

Refunds for Increased Fuel Costs Related to Cap and Trade

Senate Bill 1051

Not Effective

Senate Bill 1051 directs ODOT and Oregon Department of Revenue to establish fuel cost rebate programs for agricultural and forestry industry businesses and low- and middle-income Oregonians, respectively. The measure directs ODOT to calculate the per-gallon carbon price resulting from a Cap and Trade Program and determine the credit amounts for the programs. The rebates are funded through revenues collected from emission allowance sales and directed to the Transportation Decarbonization Investments Account and Climate Investments Fund.

Senate Bill 1051 was passed by the Legislature on June 25, 2019, with an effective date contingent upon passage of HB 2020, which remained in the Senate Committee on Rules upon adjournment. Though passed by the Legislature, Senate Bill 1051 will not become effective.

TriMet Crash Advisory Committee

Senate Bill 1053

Effective Date: Jan. 1, 2020

Senate Bill 1053 establishes the TriMet Crash Advisory Committee, which will review crashes involving TriMet vehicles that result in injury or fatality. It requires the committee to meet biannually, assess the causes of the crashes, make recommendations to prevent similar crashes, and submit annual reports on its findings to TriMet’s Board of Directors. TriMet’s General Manager will appoint the members of the Crash Advisory Committee. Similar measures, House Bill 3443 and Senate Bill 747, were introduced but remained in committee upon adjournment.

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 2019 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 24 – Officer Malcus Williams II

The 2019 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 4 – Specialist Nickolaus Gregory Gossack
- HCR 13 – Private First Class Ryan Jeffery Hill
- HCR 29 – Sergeant First Class Richard Joseph Henkes II
- SCR 2 – Corporal Jimmy Erik Floren
- SCR 3 – Radarman 2nd Class Garry Bradbury Hodgson

Firefighter Roadside Memorial Signs

Senate Bill 528

Effective Date: Jan. 1, 2020

Senate Bill 528 expands ODOT's roadside memorial sign program to include fallen firefighters. The measure stipulates that the fallen firefighter be honored with the passage of a legislative Concurrent Resolution and then upon receipt of the sign fee, a roadside memorial sign will be erected and maintained to commemorate the firefighter killed in the line of duty.

Reports to the Legislative Assembly

Some legislation enacted by the 2019 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.

Paid Family and Medical Leave (HB 2005)

House Bill 2005 directs all employers in the State of Oregon to report quarterly to the Oregon Department of Revenue all wages earned and contributions paid under the newly established paid family and medical leave program.

Clean Diesel (HB 2007)

House Bill 2007 requires ODOT to report each year on the registration of medium and heavy-duty vehicles, to identify and address trends in the registration of these vehicles in Oregon over time, and to identify any effects the measure may have on these trends.

Train Delay Study (HB 2603)

House Bill 2603 directs ODOT to study train delays experienced by trains operated by Amtrak and report on its findings to the interim committees of the Legislative Assembly related to transportation on or before September 15, 2020.

Professional Licensing of Immigrants or Refugees (SB 855)

Senate Bill 855 requires state entities that administer and enforce occupational licensing requirements to study how immigrants and refugees become licensed, develop and implement methods to reduce barriers to licensure for immigrants or refugees, and report to the Legislative Assembly on their progress by November 30, 2019.

Budget & Bonding

Bond Authorization

House Bill 5005

Effective Date: Upon Passage

House Bill 5005 is the general bond authorization bill for state agencies, and establishes limits for the authorization of general obligation bonds, revenue bonds, and certificates of participation. ODOT received authorization to issue \$485,000,000 in Highway User Tax revenue bonds for projects authorized in HB 2017 (2017).

Bond Expenditure Limitation

House Bill 5006

Effective Date: Upon Passage

House Bill 5006 provides expenditure limitation for ODOT’s capital construction projects during the 2019-21 biennium. ODOT received \$12,000,000 in expenditure limitation for the South Coast Maintenance Station, and \$8,000,000 for the Central Coast Maintenance Station.

Lottery Bond Authorization

House Bill 5030

Effective Date: Upon Passage

House Bill 5030 is the lottery bond authorization bill for state agencies. ODOT received authorization for the issuance of:

- \$2 million in lottery bonds for distribution to the City of Sherwood for a pedestrian connection at or near the intersection of State Highway 99W and Sunset Boulevard;²
- \$5 million in lottery bonds for distribution to the Oregon International Port of Coos Bay for repair and replacement of bridge structures along the Coos Bay Rail Link.

² See “Budget Notes” section for information related to a subsequent request for use of these funds.

Oregon Department of Transportation Budget

House Bill 5039

Effective Date: July 1, 2019

House Bill 5039 is the 2019-21 Legislatively Adopted Budget for the Oregon Department of Transportation. Budget highlights include:

- 54 new permanent positions for 2017 Transportation Funding Package implementation;
- 49 new DMV positions to support Real ID implementation (permanent and limited duration);
- 1 permanent position to support the Connect Oregon program;
- \$22 million to continue the work of DMV’s Service Transformation Program;
- Elimination of ~\$20 million General Fund:
 - \$10.1 million to support Elderly and Disabled public transportation services – replaced with STIF payroll tax funds;
 - \$10 million to support passenger rail service – replaced with funds from Transportation Operating Fund;
- Creation of an on-going capital replacement fund of \$9.5 million to maintain the State Radio system;
- Direction to study land use near public transit to identify areas for affordable housing;
- Direction to merge the Special Transportation Fund (STF) and the Statewide Transportation Improvement Fund (STIF) into one public transportation program; and
- Updated Key Performance Measures

The department’s 2019-21 Legislatively Adopted Budget totals \$4.5 billion in total funds and 4,796 positions. The 2019-21 budget increased 14.3% from the 2017-19 Legislatively Adopted Budget, and 5.7% from the 2017-19 Legislatively Approved Budget.

Oregon Department of Transportation Fees

House Bill 5040

Effective Date: Upon Passage

House Bill 5040 ratifies ODOT fee changes adopted by rule, including:

- \$600 application fee for an ignition interlock device service center;
- \$24.50 for the DMV’s registration plate fee; and
- Various fees for outdoor advertising signs.

Budget Reconciliation

House Bill 5050

Effective Date: Upon Passage

House Bill 5050 is the budget reconciliation bill (also known as the End of Session Bill or Christmas Tree Bill), which provides various adjustments for state agencies associated with changes made to agency budgets during session.

House Bill 5050 increased ODOT's limitation by:

- \$42,876 for the cost of issuing lottery bonds for the Sherwood Pedestrian Connectors Project;
- \$5,106,587 for the Coos Bay Rail Line and Bridge Replacement Project;
- \$1 million for the Neskowin Emergency Egress Project in Tillamook County;
- \$650,000 for the West Coast Electric Highway; and
- Three positions and \$221,442 to implement HB 2015 (2019).

Budget Notes

Boone Bridge Cost to Complete Study

House Bill 5050

The Department of Transportation shall study the I-5 Boone Bridge Project and provide an estimate of the cost to complete the project. The Department shall report back to the Joint Committee on Ways and Means and the Joint Committee on Transportation no later than February 1, 2021.

City of Sherwood Pedestrian Connector Project

House Bill 5050

The Department of Transportation, in coordination with the City of Sherwood, shall report to the Joint Committee on Ways and Means on the results of the City of Sherwood’s related feasibility study and project implementation and submit a funding request for the balance of project costs in February 2020.

Merging STF and STIF

House Bill 5039

The Oregon Department of Transportation is directed to merge the Special Transportation Fund (STF) and the Statewide Transportation Improvement Fund (STIF) into one public transit program. The legislative intent is for the Department to accomplish this with the least possible disruption to the formula allocations and services provided by STF agencies. The Department shall not require STF agencies to submit new or revised plans for formula distributions in the 2019-21 biennium. The Department is directed to report during the 2020 legislative session on the status of the program consolidation, and the administrative costs, including the number of full-time equivalent positions required to administer the consolidated program.

Legislation Considered (Not Passed)

Oregon Climate Action Program (HB 2020)

House Bill 2020 modified Oregon's greenhouse gas (GHG) emissions reduction goals to at least 45% below 1990 levels by 2035, and 80% below 1990 levels by 2050. The measure established the Climate Policy Office within the Department of Administrative Services, and directed the office to establish the Oregon Climate Action Program to administer a cap and trade system in Oregon.

Much of the revenue generated from the sale of emission allowance is subject to Article IX, Section 3a of the Oregon Constitution, directing a significant amount of funds to ODOT for climate change adaptation and mitigation actions. These funds were directed to the newly established Transportation Decarbonization Investments Account (TDIA), with 50 percent of the funds dedicated to ODOT, and 50 percent to grant recipients for transportation projects on the local transportation system.

The measure imposed new procurement and contracting provisions for projects funded using monies in the TDIA. Procurement provisions included preference for Oregon nursery stock and manufactured goods and building materials produced by entities subject to a carbon pricing program. Contracting provisions applied to projects receiving more than \$50,000 in TDIA funds, and required projects pay prevailing wage, offer health care and retirement benefits, participate in an apprenticeship program, and demonstrate compliance with labor conditions. Projects over \$200,000 required the use of project labor agreements.

House Bill 2020 directed ODOT to develop a program for issuing a refund or credit to offset the estimated increases in motor vehicle fuel costs in Oregon attributable to the regulation of motor vehicle fuel.

Certain provisions of the measure became effective immediately, with the first sale of emissions allowances occurring in 2021.

The measure passed out of the House but remained in the Senate Committee on Rules upon adjournment.

High Hazard Train Route Oil Spill Prevention Fund (HB 2064)

House Bill 2064 directed the Environmental Quality Commission to adopt rules applying certain oil spill prevention and emergency response planning requirements to high hazard train routes in Oregon. The measure required railroads that own or operate high hazard train routes to annually submit financial responsibility statements to DEQ, and required DEQ to collect an annual assessment from the railroads. The measure also established the High Hazard Train Route Oil Spill Prevention Fund and prescribed the use of this fund. Similar measures were considered, including HBs 2209 (passed), 2858; and SB 99.

The measure remained in the House Committee on Energy and Environment upon adjournment.

Parks and Recreation Bicycle and Pedestrian Project Funding (HB 2083)

House Bill 2083 directed the State Parks and Recreation Department to allocate up to \$4 million of lottery revenues per biennium for bicycle and pedestrian projects, and sunset the requirement January 2, 2025.

The measure did not receive a public hearing and remained in the Joint Committee on Transportation upon adjournment. House Bill 2592, the 2019 omnibus transportation fix measure, incorporated via amendment the provisions reflected in HB 2083.

Special Use Fuel License (HB 2129)

House Bill 2129 prevented the issuance of the special use fuel license after January 1, 2026. The measure invalidated licenses over a year old as of January 1, 2026, and licenses less than a year old as of that date, would expire after one year.

The measure remained in the Senate Committee on Finance and Revenue upon adjournment.

Westside Express Task Force (HB 2219)

House Bill 2219 created the Task Force on Extending the Westside Express Service Commuter Line to Salem. The Task Force consists of 17 members, including two members appointed by the ODOT Director and staff support provided by ODOT. The Task Force is charged with identifying actions necessary to extend the Westside Express Service (WES) commuter line to Salem, researching the need for an extension of this line, and submitting a report to the interim committee of the Legislative Assembly related to transportation no later than September 15, 2020.

The measure remained in the Joint Committee on Ways and Means upon adjournment.

Loans for Electric Powered School Buses (HB 2309)

House Bill 2309 required ODOT develop and implement a loan program to aid school districts in the acquisition of electric-powered school buses. The measure provided an unspecified amount of General Fund for the start-up costs of the program, and provided loans for the incremental costs associated with purchasing an electric-powered school bus, relative to a diesel-powered school bus.

The measure remained in the Joint Committee on Transportation upon adjournment.

Motorcycle Lane Splitting/Filtering (HB 2314)

House Bill 2314 allowed motorcyclists and moped operators to drive between lanes of traffic in specific situations. Among the limitations: the highway speed limit must be posted for 50MPH or higher, surrounding traffic must be travelling 10MPH or less, and the motorcycle may only travel up to 10MPH faster than surrounding traffic.

ODOT opposed the measure, citing significant safety concerns for motorcyclists, moped operators, and the travelling public. The measure remained in the Joint Committee on Transportation upon adjournment.

Reduced Public Records Request Fees for Members of the News Media (HB 2345)

House Bill 2345 required state agencies to reduce public records request fees by 50% if the requestor is a member of the news media. The measure also required fees be waived if the public records request was “narrowly tailored.”

The measure remained in the House Committee on Rules upon adjournment.

Abandoned RV Disposal Revolving Account (HB 2394)

House Bill 2394 created a fund to pay for towing and disposal of derelict recreational vehicles abandoned on public highways. Funds are raised by a small supplemental fee on RV registrations.

Tow companies are often called by law enforcement or ODOT to tow abandoned vehicles off the road; abandoned RVs are showing up more frequently, are difficult to tow, and disposal is expensive. Tows have begun rejecting calls to tow these vehicles; and are stuck with the cost and little recourse for payment.

The measure remained in the House Committee on Judiciary upon adjournment.

Grants to Small Cities for Public Transit Systems (HB 2541)

House Bill 2541 allowed the Oregon Business Development Department to make grants to certain cities for the purpose of studying, developing, and capitalizing a public transit system. Cities with a population of 35,000 or less, with a community college or public university of at least 3,000 full-time students, and that meet certain other requirements, are eligible to apply.

House Bill 2541 received one public hearing, but remained in the Joint Committee on Ways and Means upon adjournment.

Registration of ATVs (HB 2566)

House Bill 2566 required All Terrain Vehicles (ATVs) to obtain title and registration from DMV, to assist law enforcement in identifying stolen vehicles, and rogue operators. This bill and other ATV issues are expected to be discussed during an interim work group, possibly through the existing ATV committee housed at Oregon Parks and Recreation Department.

The measure remained in the Joint Committee on Ways and Means upon adjournment.

Task Force on Preventing Assaults Committed Against Public Transit Employees (HB 2599)

House Bill 2599 established the Task Force on Preventing Assaults Committed Against Public Transit Employees to address ways to reduce and prevent assaults committed against public transit employees. ODOT was listed as a member of the Task Force; and a report was required to be submitted to the interim committees of the Legislative Assembly related to transportation by Sept. 15, 2020.

The measure remained in the House Committee on Judiciary upon adjournment.

Repeal Driver License Suspensions for Failure to Pay Traffic Tickets (HB 2614)

House Bill 2614 removed DMV's authority to suspend driving privileges for those who do not pay traffic fines and fees.

The measure remained in the Joint Committee on Ways and Means upon adjournment.

Assault of Public Transportation Employee (HB 2677)

House Bill 2677 expanded the class of persons against whom the crime of assault in the third degree may be committed, from public transportation vehicle operators, to any employee of certain transportation districts while the employee is acting within the scope of employment.

The measure remained in the House Committee on Judiciary upon adjournment.

Speed Setting Authority Delegation (HB 2702)

House Bill 2702(-1) allowed ODOT to delegate its speed setting authority to a city or county on any highway under its jurisdiction as a road authority. ODOT would establish through rule certain criteria required for a city or county to exercise speed setting authority.

The measure received one public hearing and remained in the Joint Committee on Transportation upon adjournment.

Oregon Tourism Commission to Identify Tourism Districts (HB 2733)

House Bill 2733 directed the Oregon Tourism Commission to identify, designate, and monitor tourism districts in Oregon by geographical region based on Commission criteria, including the existence of a cooperative regional tourism and recreation strategy, and willingness to initiate, develop, implement, and maintain regional projects. The bill allows tourism districts to request Commission assistance in obtaining grants from Oregon Business Development Department and ODOT, and in applying for and obtaining temporary waivers for certain land use and building code requirements to allow property use for priority tourism and recreation opportunities. The measure expands the number and type of potential grant recipients for several ODOT grant programs.

The measure remained in the House Committee on Economic Development upon adjournment.

Autonomous Vehicles Testing Program (HB 2770)

House Bill 2770 established a mandatory testing framework for companies testing autonomous vehicle technology in Oregon. The bill's provisions were based on recommendations from the Autonomous Vehicles Task Force created by HB 4063 in the 2018 session. Under the measure, ODOT was directed to establish and administer a licensing program, including an application and permitting process.

The measure passed out of the House but remained in the Senate Committee on Rules upon adjournment.

Jurisdictional Transfer Evaluation (HB 2846)

House Bill 2846(-1) required the Oregon Transportation Commission (OTC) to conduct an evaluation of highways suitable for jurisdictional transfer. The measure directed the OTC to identify and prioritize these corridors, outline the evaluation criteria, and required the OTC report back to the Legislature by September 2020. The measure directed the OTC to explore and develop guidance for co-management of highways suitable for jurisdictional transfer, and established the Oregon Highway Jurisdictional Transfer Fund within the State Highway Fund.

The measure received a public hearing and remained in the Joint Committee on Transportation upon adjournment.

Emergency Response for High Hazard Train Routes (HB 2858)

House Bill 2858 directed the Environmental Quality Commission to adopt rules that apply certain oil spill prevention and emergency response planning requirements to high hazard train routes in Oregon. The measure required railroads that own or operate high hazard train routes to submit annual financial responsibility statements to DEQ, and required DEQ to collect an annual assessment from the railroads. The measure also established the High Hazard Train Route Oil Spill Prevention Fund and prescribed the use of these funds. Similar measures were considered, including HBs 2209 (passed), 2064; and SB 99.

The measure remained in the House Committee on Energy and Environment upon adjournment.

Free Transit Services for Disabled Veterans (HB 2880)

House Bill 2880 prohibited mass transit districts from charging fares to disabled veterans. The measure authorized a transit district board to, by ordinance, establish a pass that a disabled veteran must present to demonstrate proof of eligibility.

The measure remained in the Joint Committee on Transportation upon adjournment.

Trains and Light Engines Must Have Two Crew Members (HB 2970)

House Bill 2970 required certain freight-transporting trains and light engines to have two crew members on board, pursuant to some exceptions.

The measure received one public hearing and remained in the Joint Committee on Transportation upon adjournment.

Special Bridge District (HB 2974)

House Bill 2974(-2) authorized the formation of a bridge district consisting of Benton, Marion, Polk, and Yamhill counties for the purpose of planning, financing, constructing, operating and maintaining bridges over the Willamette River in the capital city region.

The measure received one public hearing and remained in the House Committee on Rules upon adjournment.

Transportation Network Company Regulation (HB 3023)

House Bill 3023 directed ODOT to establish a statewide regulatory program for Transportation Network Companies (TNCs), such as Uber and Lyft. The bill established minimum requirements

for companies, vehicles, and drivers, provided for records inspection, preempted local regulation but allowed the agency to enter into agreements with local governments to enforce the state’s regulations. The bill established fees to raise funds for ODOT’s regulatory program, local governments’ enforcement efforts, local wheelchair accessible transport, and electric vehicle charging stations.

The measure passed out of the House Committee on Business and Labor with subsequent referral to the House Committee on Revenue. The measure passed out of the House Committee on Revenue without recommendation and remained in the Joint Committee on Ways and Means upon adjournment.

Biodiesel Use Fuel Tax Exemption (HB 3062)

House Bill 3062 extended the existing 20% biodiesel tax exemption until December 31, 2020. The extension of this tax exemption would result in an additional loss of approximately \$6 million to the State Highway Fund.

The measure remained in the Joint Committee on Ways and Means upon adjournment.

Freight Transportation Definitions (HB 3139)

House Bill 3139 statutorily defined the terms “intermodal,” “reload facility,” and “transload,” in relation to the transportation of freight.

The measure remained in the Joint Committee on Transportation upon adjournment.

General Obligation Bonds for I-205 (HB 3209)

House Bill 3209 authorized \$460 million of General Obligation bonds for the purpose of financing the I-205: Stafford Road to OR 213 Project.

The measure received one public hearing and remained in the Joint Committee on Transportation upon adjournment.

Removes Crime of Interfering with Public Transportation when Remaining in Public Transit Vehicle or Station (HB 3335)

House Bill 3335 repealed the crime of interfering with public transportation if a person enters or remains in a public transit vehicle or station.

The measure received one public hearing and remained in the House Committee on Judiciary upon adjournment.

Prohibits Police Officer from Trying to Determine Whether Public Transit Passenger Paid Fare (HB 3337)

House Bill 3337 prohibited a police officer from conducting or participating in any efforts to determine whether an individual has paid a charge, fee, or toll imposed by a mass transit district.

The measure received one public hearing and remained in the House Committee on Judiciary upon adjournment.

State Agencies Distributing Funds to Counties to Report Annually to Legislature (HB 3390)

House Bill 3390 directed state agencies responsible for distributing specified funds to counties to report annually to the Legislative Assembly on the amount of moneys distributed and the number of persons served by distribution, in each county.

The measure received one public hearing and remained in the House Committee on Rules upon adjournment.

Refunds for Increased Fuel Costs Related to Cap and Trade (HB 3425)

House Bill 3425 established a fuel cost rebate program for low- and middle-income Oregonians, intended to mitigate fuel cost increases as a result of a Cap and Trade program. The measure directed ODOT to establish and administer the program using revenues from the Transportation Decarbonization Investments Account (HB 2020) to fund the rebates. The measure was contingent upon passage of HB 2020 (Oregon Climate Action Program).

House Bill 3425 passed out of committee with a subsequent referral to the House Committee on Revenue, where it remained upon adjournment. Senate Bill 1051, a similar measure, was passed by the Legislature instead.

“Kicker” Redistribution (HB 3440)

House Bill 3440 adjusted the 2017 forecasted personal income tax revenue, and dedicated portions of that revenue to various uses, including the I-205: Stafford Road to OR 213 Project, establishing and funding a Clean Diesel Engine Fund, and establishing and funding a Zero Emission Fund.

The measure remained in the House Committee on Revenue upon adjournment.

TriMet Crash Advisory Committee (HB 3443)

House Bill 3443 established the TriMet Crash Advisory Committee, appointed by the Transportation Safety Committee, to review crashes involving TriMet vehicles that result in injury or fatality. The measure required an assessment of the causes of the crash, recommendations to prevent similar crashes, and a quarterly report on its findings to the Transportation Safety Committee.

The measure remained in the Joint Committee on Transportation upon adjournment. A similar bill, SB 747, was introduced and remained in committee upon adjournment. Senate Bill 1053, which establishes a Crash Advisory Committee appointed by TriMet's General Manager, was passed by the Legislature.

Weight-Mile Tax Repeal (HB 3454)

House Bill 3454 repealed Oregon's weight-mile tax, proposing heavy trucks be taxed the same as light vehicles. The measure proposed significant changes to registration fees paid for heavy trucks, to maintain compliance with the constitution's cost responsibility provision.

The measure did not receive a public hearing, and remained in the Joint Committee on Transportation upon adjournment.

DUII *per se* Intoxication Reduced from 0.08 Blood Alcohol Content to 0.05. (SB 7)

Under current law, a person arrested for DUII, and given a breath or blood test, is legally (*per se*) impaired if their Blood Alcohol Content (BAC) is 0.08 or more. Senate Bill 7 reduced that *per se* intoxication level to 0.05 BAC.

The bill was given a hearing after internal legislative deadlines had passed, and remained in the Senate Committee on Judiciary upon adjournment. This topic, and others around DUII, are slated to be addressed by an interim work group.

Development in Priority Transportation Corridors (SB 10)

Senate Bill 10(-3) defined "priority transit stop" and required cities with priority transit stops to identify lands where residential uses are allowed and establish maximum residential density limits on those lands. The bill directed cities to adopt land use regulations to allow for development that meets the density requirements, notwithstanding existing statewide transportation-related land use planning goals.

The measure received multiple public hearings but remained in the Senate Committee on Rules upon adjournment.

Connect Oregon Lottery Bond Funding (SB 59)

Senate Bill 59, introduced by Governor Brown at the request of ODOT, authorized \$50 million in lottery bonds for the Connect Oregon Program.

The measure passed out of the Joint Committee on Transportation and was referred to the Joint Committee on Ways and Means where it remained upon adjournment.

High Hazard Train Routes (SB 99)

Senate Bill 99 directed the Environmental Quality Commission to adopt rules applying certain oil spill prevention and emergency response planning requirements to high hazard train routes in Oregon. The measure required railroads that own or operate high hazard train routes to annually submit financial responsibility statements to DEQ, required DEQ to collect an annual assessment from the railroads, and established the High Hazard Train Route Oil Spill Prevention Fund. The measure also required facilities receiving crude oil from railroad cars to provide advance notice to DEQ. Similar measures were considered, including HBs 2209 (passed), 2064, and 2858.

The measure remained in the Senate Committee on Environment and Natural Resources upon adjournment.

Training for Coordinated Response to Oil or HazMat Spills During Rail Transport (SB 229)

Senate Bill 229 directed the State Fire Marshal to include training in its plan for a coordinated response to oil or hazardous material spills or releases that occur during rail transport. The measure also directed the Office of Emergency Management to collaborate with marine and railroad operators to determine the operators' roles in responding to a natural disaster or catastrophic emergency event, and to report on its progress of integrating operators into state planning.

The measure remained in the Senate Committee on Environment and Natural Resources upon adjournment.

Staffing Assistance to the State Forestry Department (SB 337)

Senate Bill 337 required ODOT and the Oregon Department of Fish and Wildlife (ODFW) to enter into interagency agreements with the Oregon Department of Forestry to provide staffing assistance as needed during fire season. The measure allows training of ODOT and ODFW staff, as well as reasonable reimbursement costs.

The measure remained in the Joint Committee on Ways and Means upon adjournment.

Districts for Limited Access Public Highway Projects (SB 413)

Senate Bill 413 authorized the formation of a limited-access public highway project district to site and construct limited access highways. The bill gives these special districts broad authority to exercise eminent domain for property acquisition and broad financing authority. This measure precluded local government’s ability to deny permits based on land use designations inconsistent with highway construction.

The measure received one public hearing and remained in the Joint Committee on Transportation upon adjournment.

Fixed Photo Radar Expansion (SB 559)

Senate Bill 559(-1) redefined “high crash corridor” within the confines of the fixed photo radar laws and expanded the use of fixed photo radar from the City of Portland to any city in Oregon.

The measure received a public hearing and remained in the Joint Committee on Transportation upon adjournment.

Photo Radar Allowed in Any City (SB 560)

Senate Bill 560 allowed any city in Oregon to operate photo radar at their own cost pursuant to statutory criteria for operation and reporting. Currently, only ten cities are allowed to operate photo radar.

The measure received a public hearing and remained in the Joint Committee on Transportation upon adjournment.

Safe Routes to Schools Cash Match (SB 561)

Senate Bill 561 reduced the cash matching requirement for Safe Routes to School projects from 40 percent to 20 percent, and 10 percent for projects meeting certain criteria.

The measure remained in the Joint Committee on Transportation upon adjournment.

Preference for Oregon-based Wood Products (SB 631)

Senate Bill 631 required ODOT to give contracting selection preference to potential contractors procuring wood products sourced, fabricated, or processed within Oregon. These changes applied to contracts solicited on or after January 1, 2020.

The measure remained in the Joint Committee on Transportation upon adjournment.

Funding for HB 2017 Projects (SB 652)

Senate Bill 652 required the OTC to withhold funding from the SE Outer Powell Boulevard jurisdictional transfer project and the Center Street Bridge seismic retrofit project until the I-5 Rose Quarter Project and the I-205: Stafford Road to OR 213 Project are completed. The measure also directed ODOT to implement tolling to pay the expenses of completing the above projects.

The measure remained in the Joint Committee on Transportation upon adjournment.

New Travel Lanes (SB 743)

Senate Bill 743 required at least one new general purpose travel lane in each direction on the I-5 Rose Quarter Project, and the I-205: Stafford Road to OR 213 Project. The measure conditioned the subsequent fuels tax increases (scheduled for 2022 and 2024, per HB 2017) on inclusion of these new project components.

The measure remained in the Joint Committee on Transportation upon adjournment.

TriMet Crash Advisory Committee (SB 747)

Senate Bill 747 established the TriMet Crash Advisory Committee, appointed by the Transportation Safety Committee, to review crashes involving TriMet vehicles that result in injury or fatality. The measure required an assessment of the causes of the crash, recommendations to prevent similar crashes, and a quarterly report on its findings to the Transportation Safety Committee.

The measure received a public hearing and remained in the Joint Committee on Transportation upon adjournment. A similar bill, HB 3443, was introduced and remained in committee upon adjournment. Senate Bill 1053, which establishes a Crash Advisory Committee appointed by TriMet's General Manager, was passed by the Legislature.

Oregon Climate Authority (SB 928)

Senate Bill 928, a companion bill to HB 2020 (Oregon Climate Action Program), abolished the Oregon Department of Energy, and established the Oregon Climate Authority as a new state agency with oversight exercised by the Oregon Climate Board.

The measure was voted out of the Senate Committee on Environment and Natural Resources with a subsequent referral to the Joint Committee on Ways and Means where it remained upon adjournment.

Expansion of Substances that Can Result in DUII (SB 965)

Current law specifies just four substances that can result in a conviction for Driving Under the Influence of Intoxicants (DUII): alcohol, controlled substance, cannabis, and inhalants. When a person has in their system both a small amount of one of these intoxicants, and a substance not included on the statutory list, the person can be impaired – even significantly impaired. However, the limited list of substances in statute results in acquittal. Senate Bill 965 added to the list of impairing substances any drug (as defined elsewhere in statute) along with one of the other listed substances.

The measure remained in the Senate Committee on Judiciary upon adjournment. This topic, and others around DUII, are slated to be addressed by an interim work group.

I-5 Boone Bridge Study (SB 1021)

Senate Bill 1021 directed ODOT to study the design, cost, and preliminary engineering of the I-5 Boone Bridge project. The measure allocated \$3.5 million General Fund dollars for this work.

The measure passed out of the Joint Committee on Transportation and was referred to Joint Ways and Means where it remained upon adjournment. See “Budget and Bonding” section for more information related to this effort.

Low Emissions Vehicle Constitutional Amendment (SJR 27)

Senate Joint Resolution 27 proposed an amendment to Article IX, Section 3a of the Oregon Constitution to authorize certain proceeds from the sale of allowances from a market-based greenhouse gas emissions reduction program (HB 2020) to be used to encourage the use of low- or zero-emission vehicles.

The measure remained in the Senate Committee on Rules upon adjournment.