

# Senate Bill 963

Sponsored by Senator CARTER; Senator MONNES ANDERSON (at the request of The "O" Initiative: Linking Common Sense to Everyday Life)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases allocation of highway fund moneys for footpaths and bicycle trails.

## A BILL FOR AN ACT

Relating to the use of State Highway Fund moneys; amending ORS 366.514.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 366.514 is amended to read:

366.514. (1) Out of the funds received by the Department of Transportation or by any county or city from the State Highway Fund reasonable amounts shall be expended as necessary to provide footpaths and bicycle trails, including curb cuts or ramps as part of the project. Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated. Funds received from the State Highway Fund may also be expended to maintain footpaths and trails and to provide footpaths and trails along other highways, roads and streets.

(2) Footpaths and trails are not required to be established under subsection (1) of this section:

(a) Where the establishment of such paths and trails would be contrary to public safety;

(b) If the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use; or

(c) Where sparsity of population, other available ways or other factors indicate an absence of any need for such paths and trails.

(3) The amount expended by the department or by a city or county as required or permitted by this section shall never in any one fiscal year be less than *[one]* **two** percent of the total amount of the funds received from the highway fund. However:

(a) This subsection does not apply to a city in any year in which the one percent equals \$250 or less, or to a county in any year in which the one percent equals \$1,500 or less.

(b) A city or county in lieu of expending the funds each year may credit the funds to a financial reserve fund in accordance with ORS 294.525, to be held for not more than 10 years, and to be expended for the purposes required or permitted by this section.

(c) For purposes of computing amounts expended during a fiscal year under this subsection, the department, a city or county may record the money as expended:

(A) On the date actual construction of the facility is commenced if the facility is constructed by the city, county or department itself; or

(B) On the date a contract for the construction of the facilities is entered with a private contractor or with any other governmental body.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) For the purposes of this chapter, the establishment of paths, trails and curb cuts or ramps  
2 and the expenditure of funds as authorized by this section are for highway, road and street purposes.  
3 The department shall, when requested, provide technical assistance and advice to cities and counties  
4 in carrying out the purpose of this section. The department shall recommend construction standards  
5 for footpaths and bicycle trails. Curb cuts or ramps shall comply with the requirements of ORS  
6 447.310 and rules adopted under ORS 447.231. The department shall, in the manner prescribed for  
7 marking highways under ORS 810.200, provide a uniform system of signing footpaths and bicycle  
8 trails which shall apply to paths and trails under the jurisdiction of the department and cities and  
9 counties. The department and cities and counties may restrict the use of footpaths and bicycle trails  
10 under their respective jurisdictions to pedestrians and nonmotorized vehicles, except that motorized  
11 wheelchairs shall be allowed to use footpaths and bicycle trails.

12 (5) As used in this section, "bicycle trail" means a publicly owned and maintained lane or way  
13 designated and signed for use as a bicycle route.

14