

House Bill 2236

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor Theodore R. Kulongoski for Department of Transportation)

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**.

Permits Department of Transportation to participate in alternative fuel project.

A BILL FOR AN ACT

1 Relating to alternative fuel distribution; creating new provisions; and amending ORS 367.802.

2 Whereas motor vehicles can be powered by fuels other than gasoline and petroleum-based diesel,
3 thereby reducing greenhouse gas emissions and other pollution emitted by motor vehicles traveling
4 on Oregon highways; and
5

6 Whereas a network of fueling stations that provide alternative fuels will not be commercially
7 viable in this state until motor vehicles that use alternative fuels are used on the roads in large
8 numbers; and

9 Whereas large numbers of motor vehicles that use alternative fuels will not be sold and used in
10 this state until there are sufficient fueling stations that provide alternative fuels to make use of such
11 motor vehicles practical; and

12 Whereas the Department of Transportation may facilitate the development of fueling stations for
13 alternative fuels in cooperation with local government, private entities, other states and the federal
14 government; now, therefore,

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

16 **SECTION 1.** ORS 367.802 is amended to read:

17 367.802. As used in ORS 367.800 to 367.824:

18 (1) "Agreement" means a written agreement, including but not limited to a contract, for a
19 transportation project that is entered into under ORS 367.806.

20 (2) "**Alternative fuel**" means any fuel or energy source used for the operation of motor
21 vehicles on the highways of this state other than gasoline, petroleum-based diesel or un-
22 blended petroleum-based fuel.

23 (3) "**Fueling station**" means a service station or any other place where alternative fuel
24 is sold for use in motor vehicles.

25 [(2)] (4) "Private entity" means any entity that is not a unit of government, including but not
26 limited to a corporation, partnership, company, nonprofit organization or other legal entity or a
27 natural person.

28 [(3)] (5) "Transportation project" or "project" means any proposed or existing undertaking that
29 facilitates any mode of transportation in this state **or the development of fueling stations**.

30 [(4)] (6) "Unit of government" means any department or agency of the federal government, any
31 state or any agency, office or department of a state, any city, county, district, commission, authority,

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 entity, port or other public corporation organized and existing under statutory law or under a
2 voter-approved charter and any intergovernmental entity created under ORS 190.003 to 190.130,
3 190.410 to 190.440 or 190.480 to 190.490.

4 **SECTION 2. Section 3 of this 2009 Act is added to and made a part of ORS 367.800 to**
5 **367.824.**

6 **SECTION 3. (1) Notwithstanding ORS 366.395, the Department of Transportation may**
7 **participate in and facilitate the development of fueling stations by designating property**
8 **owned by the department, including property located within roadside rest areas, that may**
9 **be leased to a private entity for the purpose of operating a fueling station. The term of a**
10 **lease under this section may not exceed 35 years. A private entity holding a lease under this**
11 **section may also provide ancillary goods and services that support the development of the**
12 **fueling station, including but not limited to food, nonalcoholic beverages, motor vehicle re-**
13 **pair services, tourist information, improvements to existing truck parking areas, the sale**
14 **of goods related to travel and tourism and welcome center operations.**

15 **(2) Any facility located in a roadside rest area is a minor betterment of a roadside rest**
16 **area.**

17 **(3) Any improvements made by a private entity to property owned by the department**
18 **under this section is the property of the department upon termination of the lease.**

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