

# House Bill 3137

Sponsored by COMMITTEE ON 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**.

Repeals dedication of specified moneys to state highway modernization program. Establishes priorities for highway projects.

Increases allocation of State Highway Fund moneys for footpaths and bicycle trails.

Declares emergency, effective July 1, 2009.

## A BILL FOR AN ACT

1  
2 Relating to transportation; creating new provisions; amending ORS 366.508, 366.514 and 367.605 and  
3 sections 10 and 11, chapter 618, Oregon Laws 2003; repealing ORS 366.507 and section 18,  
4 chapter 911, Oregon Laws 2007; and declaring an emergency.

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

6 **SECTION 1. ORS 366.507 and section 18, chapter 911, Oregon Laws 2007, are repealed.**

7 **SECTION 2. (1) The Department of Transportation shall fund highway projects in ac-**  
8 **cordance with the following priorities:**

9 (a) **The first priority is maintenance and preservation of existing highways and bridges**  
10 **so that 90 percent of state highways and bridges are in fair or better condition, as deter-**  
11 **mined by the department.**

12 (b) **The second priority is improvement of efficiency and capacity of existing highways**  
13 **by means including but not limited to demand management, financial incentives, access**  
14 **management and improved traffic conditions.**

15 (c) **The third priority is modernization of existing highways by making minor improve-**  
16 **ments including but not limited to widening shoulders or adding auxiliary lanes, providing**  
17 **better access for alternative modes of transportation and extending or connecting local**  
18 **streets.**

19 (d) **The fourth priority is addition of capacity on roads and bridges.**

20 (2) **To the extent practicable, the department shall implement higher priorities before it**  
21 **implements lower priorities. The department may determine when a priority has been met**  
22 **for purposes of this section. If the department determines that a lower priority project bet-**  
23 **ter supports safety or other livability considerations than a higher priority project, the de-**  
24 **partment may implement the lower priority project before the higher priority project.**

25 **SECTION 3. ORS 366.508 is amended to read:**

26 366.508. (1) The Legislative Assembly finds that:

27 (a) Estimated highway, road and street revenues from current sources will not adequately meet  
28 the need for continued development of a statewide road and bridge system that is economically ef-  
29 ficient, provides accessibility to and from commercial, agricultural, industrial, tourist and recre-  
30 ational facilities and enhances the highway safety, environmental quality and land use goals of this

**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 state;

2 (b) Responsibility for the cost of the highway, road and street system should be proportional and  
 3 should be based on the number and types of vehicles that use the system and on the frequency of  
 4 their use; and

5 (c) Expansion, modernization, maintenance, repair, reconstruction, increased capacity and en-  
 6 hanced safety on all roads and bridges is crucial to the economic revitalization of Oregon.

7 (2) The Legislative Assembly declares that the purpose of this section and ORS 319.020, 319.530,  
 8 [366.507,] 366.739, 366.774, 366.790, 825.476 and 825.480 is:

9 (a) To enhance the revenue base for the state, counties and cities for continued development and  
 10 maintenance of the road and bridge system; and

11 (b) To enhance the revitalization of this state's economy by implementing a long-term plan for  
 12 the state, counties and cities that establishes priorities for road and bridge improvements.

13 **SECTION 4.** ORS 366.514 is amended to read:

14 366.514. (1) Out of the funds received by the Department of Transportation or by any county or  
 15 city from the State Highway Fund reasonable amounts shall be expended as necessary to provide  
 16 footpaths and bicycle trails, including curb cuts or ramps as part of the project. Footpaths and bi-  
 17 cycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a  
 18 highway, road or street is being constructed, reconstructed or relocated. Funds received from the  
 19 State Highway Fund may also be expended to maintain footpaths and trails and to provide footpaths  
 20 and trails along other highways, roads and streets.

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

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

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

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

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

30 (a) This subsection does not apply to a city in any year in which the [one] **two** percent equals  
 31 \$250 or less, or to a county in any year in which the [one] **two** percent equals \$1,500 or less.

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

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

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

39 (B) On the date a contract for the construction of the facilities is entered with a private con-  
 40 tractor or with any other governmental body.

41 (4) For the purposes of this chapter, the establishment of paths, trails and curb cuts or ramps  
 42 and the expenditure of funds as authorized by this section are for highway, road and street purposes.  
 43 The department shall, when requested, provide technical assistance and advice to cities and counties  
 44 in carrying out the purpose of this section. The department shall recommend construction standards  
 45 for footpaths and bicycle trails. Curb cuts or ramps shall comply with the requirements of ORS

1 447.310 and rules adopted under ORS 447.231. The department shall, in the manner prescribed for  
 2 marking highways under ORS 810.200, provide a uniform system of signing footpaths and bicycle  
 3 trails which shall apply to paths and trails under the jurisdiction of the department and cities and  
 4 counties. The department and cities and counties may restrict the use of footpaths and bicycle trails  
 5 under their respective jurisdictions to pedestrians and nonmotorized vehicles, except that motorized  
 6 wheelchairs shall be allowed to use footpaths and bicycle trails.

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

9 **SECTION 5.** ORS 367.605 is amended to read:

10 367.605. (1) Moneys deposited in the State Highway Fund established under ORS 366.505 are  
 11 pledged to payment of Highway User Tax Bonds issued under ORS 367.615.

12 (2) Except as provided in subsection (3) of this section, moneys, once deposited in the highway  
 13 fund from the following sources are subject to the use or pledge described in subsection (1) of this  
 14 section:

- 15 (a) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.
- 16 (b) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.
- 17 (c) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.
- 18 (d) Moneys described under ORS 803.090 from the titling of vehicles.
- 19 (e) Moneys described under ORS 803.420 from the registration of vehicles.
- 20 (f) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver  
 21 permits.

22 (g) Moneys received by the Department of Transportation from taxes, fees or charges imposed  
 23 after January 1, 2001, or other revenues received by the department from sources not listed in par-  
 24 agraphs (a) to (f) of this subsection that are available for the use or pledge described by this section.

25 (3) Moneys described under subsection (2) of this section do not include:

- 26 (a) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.
- 27 (b) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.
- 28 (c) Moneys in the account established under ORS 366.512 for parks and recreation.

29 (4) To the extent affirmatively pledged, moneys from the following sources are subject to the  
 30 use or pledge described in subsection (1) of this section:

- 31 (a) Moneys received by the Department of Transportation from the United States government.
- 32 (b) Any other moneys legally available to the department.

33 (5) [*Notwithstanding ORS 366.507,*] The lien or charge of any pledge of moneys securing bonds  
 34 issued under ORS 367.615 is superior or prior to any other lien or charge and to any law of the state  
 35 requiring the department to spend moneys for specified highway purposes.

36 **SECTION 6.** Section 10, chapter 618, Oregon Laws 2003, is amended to read:

37 **Sec. 10.** (1) Proceeds of bonds authorized under ORS 367.620 (3)(a) shall be used as follows:

38 (a) Replacement and repair of bridges on state highways, \$1.3 billion. The Oregon Transporta-  
 39 tion Commission shall choose projects under this paragraph that meet the criteria for freight mo-  
 40 bility projects as defined in [*section 37 of this 2003 Act*] **ORS 184.611.**

41 (b) Replacement and repair of bridges on county and city highways, \$300 million. The commis-  
 42 sion shall choose projects under this paragraph that meet the criteria for freight mobility projects  
 43 as defined in [*section 37 of this 2003 Act*] **ORS 184.611.** In determining which bridges to replace or  
 44 repair under this paragraph, the commission shall consult with representatives of local governments.

45 (2) [*Except as otherwise provided in section 11 of this 2003 Act, proceeds of bonds authorized un-*

1 *der ORS 367.620 (3)(b) shall be used for the modernization program described in ORS 366.507.]* The  
2 commission shall give funding priority for modernization projects funded with the proceeds of bonds  
3 authorized under ORS 367.620 (3)(b) to projects that are ready for construction.

4 **SECTION 7.** Section 11, chapter 618, Oregon Laws 2003, is amended to read:

5 **Sec. 11.** (1) The Oregon Transportation Commission shall use \$100 million of the net proceeds  
6 of bonds authorized under ORS 367.620 (3)(b):

7 (a) For the capitalizable cost of planning, development, design and construction of projects re-  
8 commended by the Freight Advisory Committee created by [*section 2, chapter 240, Oregon Laws*  
9 *2001*] **ORS 366.212.**

10 (b) To provide or improve access to industrial land sites. In selecting sites under this paragraph,  
11 the commission shall consult with the Economic and Community Development Department and local  
12 governments and shall give preference to sites for which local matching moneys are available.

13 (c) To provide or improve access to sites where jobs can be created.

14 (2) [*Notwithstanding ORS 366.507 (4)(b),*] Projects selected under this section need not be  
15 equitably distributed throughout the state.

16 **SECTION 8. This 2009 Act being necessary for the immediate preservation of the public**  
17 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
18 **July 1, 2009.**