

Enrolled House Bill 3379

Sponsored by Representatives D EDWARDS, HUFFMAN, WHISNANT, Senator TELFER; Representatives BEYER, HOLVEY, SCHAUFLE, STIEGLER, Senators FERRIOLI, STARR

CHAPTER

AN ACT

Relating to transportation; and declaring an emergency.

Whereas in March 2005, the Land Conservation and Development Commission, responding in part to a decision of the Oregon Court of Appeals, amended OAR 660-012-0060, the transportation planning rule, to require assurance of planned transportation system projects and reasonably likely funding mechanisms to ensure that the transportation system’s mobility standards are satisfied if a proposed comprehensive plan or land use regulation amendment would result in an existing or planned transportation facility failing to meet adopted performance standards at any time during the local jurisdiction’s 15- to 20-year planning period; and

Whereas lack of state funding for transportation system projects has precluded state participation in funding mechanisms and funding responsibility for necessary improvements to the state highway system identified in the transportation system plans of local jurisdictions seeking to expand urban growth boundaries or rezone parcels necessary to increase land supply to accommodate economic development projects; and

Whereas local government entities are limited in their ability to provide the transportation infrastructure necessary to support economic development associated with amendments to their comprehensive plans, including zone changes and urban growth boundary expansions, because of the limited availability of federal, state and local funding for planned transportation projects as called for in the transportation planning rule, and these limitations have led to a loss in jobs and a failure to attract needed economic development projects in many communities throughout Oregon; now, therefore,

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

SECTION 1. (1) Subject to the limitations in subsection (2) of this section, if a local government is unable to meet the funding requirements of the transportation planning rule adopted by the Land Conservation and Development Commission, the local government may:

- (a) Apply for an extension of time to meet the requirements;**
- (b) Submit a plan to the Oregon Transportation Commission and the Department of Transportation proposing alternative methods of funding that will meet the standards adopted by the Oregon Transportation Commission; or**
- (c) Apply to the Department of Transportation:**

(A) To adjust various traffic performance measures during an interim period prior to completion of construction of the development in question for a period of no more than 20 years; or

(B) To allow various types of traffic performance measures other than a volume to capacity ratio.

(2) The Oregon Transportation Commission may not approve more than four applications for extension or alternative plans in each Department of Transportation region in a calendar year. For purposes of this subsection, the regions are as follows:

(a) Region one consists of Clackamas, Columbia, Hood River, Multnomah and Washington Counties.

(b) Region two consists of Benton, Clatsop, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Yamhill Counties.

(c) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

(d) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco and Wheeler Counties.

(e) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and Wallowa Counties.

(3) The Oregon Transportation Commission shall adopt rules for the administration of this section. In adopting rules, the commission may not define under what circumstances a local government is considered to be able to meet the funding requirements of the transportation planning rule adopted by the Land Conservation and Development Commission.

SECTION 2. (1) The Department of Transportation shall undertake an evaluation to determine if funds deposited into the Oregon Streetcar Project Fund, established under section 23, chapter 746, Oregon Laws 2007, are sufficient to meet the objectives of purchasing newly constructed streetcars and supplying the streetcars to public transit systems in Oregon.

(2) If the department determines that additional funding is needed to make grants and provide for administrative costs, as described in section 23, chapter 746, Oregon Laws 2007, the department shall provide a recommendation to the Oregon Transportation Commission that describes any funds available to the department that may be deposited into the Oregon Streetcar Project Fund.

(3) No later than January 1, 2010, the department shall report to the legislative interim committees on transportation on the determinations made by the department and any recommendations the department has made to the commission.

SECTION 3. (1) If any part of chapter _____, Oregon Laws 2009 (Enrolled House Bill 2001), is referred to the people by petition under section 1 (3), Article IV of the Oregon Constitution, the remaining parts of chapter _____, Oregon Laws 2009 (Enrolled House Bill 2001), that are not referred to the people do not become operative unless the part that is referred to the people by petition is approved by the people at an election.

(2) If any part of chapter _____, Oregon Laws 2009 (Enrolled House Bill 2001), is referred to the people by petition under section 1 (3), Article IV of the Oregon Constitution, and the part that is referred to the people by petition is approved by the people at an election, the remaining parts of chapter _____, Oregon Laws 2009 (Enrolled House Bill 2001), that are not referred to the people become operative on the effective date of the part that is referred and approved.

SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House May 7, 2009

Repassed by House June 10, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 9, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State