

**A-Engrossed**  
**Senate Bill 36**

Ordered by the Senate March 2  
Including Senate Amendments dated March 2

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim 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.

Authorizes Board of County Commissioners of Multnomah County to establish and collect tolls for use of bridges across Willamette River under its jurisdiction as road authority **or operated and maintained by Multnomah County**.

**A BILL FOR AN ACT**

1  
2 Relating to tolling of intrastate bridges; amending ORS 382.310, 382.325 and 383.004.

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

4 **SECTION 1.** ORS 382.310 is amended to read:

5 382.310. (1) The Board of County Commissioners of Multnomah County shall:

6 (a) Maintain, keep in good condition and repair and operate the bridges and their approaches.  
7 The lighting of the bridges and their approaches is a part of the duty to maintain and operate such  
8 bridges, and the board may enter into contracts for such lighting.

9 (b) Operate, maintain and keep in good condition all parts of the bridges owned by the city or  
10 leased by the city or by the board of county commissioners.

11 (2) The Board of County Commissioners of Multnomah County shall, at the cost and expense of  
12 the county:

13 (a) Employ, hire and discharge, from time to time, agents, workers, laborers and servants, as it  
14 deems necessary in the conduct, maintenance, repair and operation of the bridges and their ap-  
15 proaches.

16 (b) Make needful rules and regulations for the operation and maintenance of the bridges, but  
17 such rules and regulations shall be subject to the exercise by the City of Portland of such police  
18 power and authority as the city has under its charter with respect to the bridges owned by the city.

19 (3) The Board of County Commissioners of Multnomah County may enter into agreements or  
20 leases for the use by the public, for highway purposes and for the operation of street cars  
21 [*thereon*], of the upper highway deck of the bridges constructed across the Willamette River in  
22 Portland, by persons or corporations other than the City of Portland.

23 (4) **The Board of County Commissioners of Multnomah County may establish and collect**  
24 **tolls for the use of any bridge across the Willamette River that is:**

25 (a) **Under the board's jurisdiction as a road authority pursuant to ORS 810.010; or**

26 (b) **Operated and maintained by Multnomah County as required under this section and**

**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 **ORS 382.305.**

2 **SECTION 2.** ORS 382.325 is amended to read:

3 382.325. The City of Portland, Oregon, may:

4 (1) Regulate traffic upon and across the bridges and their approaches constructed by the City  
5 of Portland.

6 (2) Lay and maintain upon the bridges and their respective approaches constructed by the City  
7 of Portland all rails and tracks necessary, desirable or convenient for the operation of street cars  
8 *[thereon]*.

9 (3) Provide for the use of the bridges and their approaches constructed by the City of Portland  
10 and rails and tracks *[thereon]* by street cars propelled by electrical and other motive power, and the  
11 carrying of passengers on *[such]* street cars.

12 (4) Make contracts with and grant rights, privileges and franchises to any persons, firms or  
13 corporations for the use of the bridges and their approaches **under the City of Portland's juris-**  
14 **isdiction as a road authority pursuant to ORS 810.010**, and rails and tracks by cars, street cars  
15 and trains, the carrying of passengers *[thereon]* and for charging and collecting fares and tolls under  
16 such rights, privileges and franchises.

17 (5) Contract for, agree upon and charge and collect rents and other compensation for *[such]* **the**  
18 **use of bridges under the City of Portland's jurisdiction as a road authority pursuant to ORS**  
19 **810.010** by cars, street cars and trains~~, and the Board of County Commissioners of Multnomah~~  
20 ~~County shall have no right to establish or collect rents or other compensation for the use of the bridges~~  
21 ~~by cars, street cars and trains~~].

22 (6) Exercise all other power and authority over the bridges and their approaches not expressly  
23 conferred by ORS 382.305 to 382.330 on Multnomah County.

24 **SECTION 3.** ORS 383.004 is amended to read:

25 383.004. (1) Except as provided in subsection (2) of this section, a toll may not be established  
26 unless the Oregon Transportation Commission has reviewed and approved the toll. The commission  
27 shall adopt rules specifying the process under which proposals to establish tolls will be reviewed.  
28 When reviewing a proposal to establish tolls, the commission shall take into consideration:

29 (a) The amount and classification of the traffic using, or anticipated to use, the tollway;

30 (b) The amount of the toll proposed to be established for each class or category of tollway user  
31 and, if applicable, the different amounts of the toll depending on time and day of use;

32 (c) The extent of the tollway, including improvements necessary for tollway operation and im-  
33 provements necessary to support the flow of traffic onto or off of the tollway;

34 (d) The location of toll plazas or toll collection devices to collect the toll for the tollway;

35 (e) The cost of constructing, reconstructing, improving, installing, maintaining, repairing and  
36 operating the tollway;

37 (f) The amount of indebtedness incurred for the construction of the tollway and debt service  
38 requirements, if any;

39 (g) The value of assets, equipment and services required for the operation of the tollway;

40 (h) The period of time during which the toll will be in effect;

41 (i) The process for altering the amount of the toll during the period of operation of the tollway;

42 (j) The method of collecting the toll; and

43 (k) The rate of return that would be fair and reasonable for a private equity holder, if any, in  
44 the tollway.

45 (2)(a) Nothing in ORS 383.003 to 383.075 prohibits a city or county from establishing a toll on

1 any highway, as defined in ORS 801.305, that the city or county has jurisdiction over as a road au-  
2 thority pursuant to ORS 810.010.

3 **(b) Nothing in ORS 383.003 to 383.075 prohibits Multnomah County from establishing a toll**  
4 **on the bridges across the Willamette River that are within the boundaries of the City of**  
5 **Portland and that are operated and maintained by Multnomah County as required under ORS**  
6 **382.305 and 382.310.**

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