

# Enrolled Senate Bill 36

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CHAPTER .....

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

**(b) Operated and maintained by Multnomah County as required under this section and ORS 382.305.**

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

382.325. The City of Portland, Oregon, may:

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

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

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

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

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

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

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

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

- (a) The amount and classification of the traffic using, or anticipated to use, the tollway;
- (b) The amount of the toll proposed to be established for each class or category of tollway user and, if applicable, the different amounts of the toll depending on time and day of use;
- (c) The extent of the tollway, including improvements necessary for tollway operation and improvements necessary to support the flow of traffic onto or off of the tollway;
- (d) The location of toll plazas or toll collection devices to collect the toll for the tollway;
- (e) The cost of constructing, reconstructing, improving, installing, maintaining, repairing and operating the tollway;
- (f) The amount of indebtedness incurred for the construction of the tollway and debt service requirements, if any;
- (g) The value of assets, equipment and services required for the operation of the tollway;
- (h) The period of time during which the toll will be in effect;
- (i) The process for altering the amount of the toll during the period of operation of the tollway;
- (j) The method of collecting the toll; and
- (k) The rate of return that would be fair and reasonable for a private equity holder, if any, in the tollway.

(2)(a) Nothing in ORS 383.003 to 383.075 prohibits a city or county from establishing a toll on any highway, as defined in ORS 801.305, that the city or county has jurisdiction over as a road authority pursuant to ORS 810.010.

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

**Passed by Senate March 4, 2009**

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Secretary of Senate

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President of Senate

**Passed by House June 2, 2009**

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Speaker of House

**Received by Governor:**

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

**Approved:**

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

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Governor

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

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Secretary of State