

**A-Engrossed**  
**Senate Bill 128**

Ordered by the Senate April 20  
Including Senate Amendments dated April 20

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 Governor John A. Kitzhaber 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.

Removes obsolete reporting dates for Road User Fee Task Force.

*[Changes process used to calculate amount of moneys available to pay debt service and expenses related to certain transportation projects.]*

**Requires specified amount of proceeds from Highway User Tax Bonds to be spent on transportation projects.**

**Requires Department of Transportation to consult with legislative committees related to transportation before expending certain federal general economic stimulus moneys.**

**Requires department to participate in meetings held by cooperating committee created pursuant to Multistate Highway Transportation Agreement.**

**Specifies that ordinances by county with population of 350,000 or more may impose, until July 1, 2013, registration fees only for purpose of replacing Sellwood Bridge. Restricts use of bridge until July 1, 2013. Suspends, until July 1, 2013, certain provisions related to imposition of registration fees.**

**Repeals laws requiring development of congestion pricing pilot program.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to transportation; creating new provisions; amending ORS 184.843, 367.620 and 801.041; re-  
3 pealing sections 3, 4 and 41, chapter 865, Oregon Laws 2009; and declaring an emergency.

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

5 **SECTION 1.** ORS 184.843 is amended to read:

6 184.843. (1) There is created the Road User Fee Task Force.

7 (2) The purpose of the task force is to develop a design for revenue collection for Oregon's roads  
8 and highways that will replace the current system for revenue collection. The task force shall con-  
9 sider all potential revenue sources.

10 (3) The task force shall consist of 12 members, as follows:

11 (a) Two members shall be members of the House of Representatives, appointed by the Speaker  
12 of the House of Representatives.

13 (b) Two members shall be members of the Senate, appointed by the President of the Senate.

14 (c) Four members shall be appointed by the Governor, the Speaker and the President acting  
15 jointly. In making appointments under this paragraph, the appointing authorities shall consider in-  
16 dividuals who are representative of the telecommunications industry, of highway user groups, of the  
17 Oregon transportation research community and of national research and policy-making bodies such  
18 as the Transportation Research Board and the American Association of State Highway and Trans-  
19 portation Officials.

**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 (d) One member shall be an elected city official, appointed by the Governor, the Speaker and the  
2 President acting jointly.

3 (e) One member shall be an elected county official, appointed by the Governor, the Speaker and  
4 the President acting jointly.

5 (f) Two members shall be members of the Oregon Transportation Commission, appointed by the  
6 chairperson of the commission.

7 (4)(a) The term of a legislator appointed to the task force is four years except that the legislator  
8 ceases to be a member of the task force when the legislator ceases to be a legislator. A legislator  
9 may be reappointed to the task force.

10 (b) The term of a member of the task force appointed under subsection (3)(c) of this section is  
11 four years and the member may be reappointed.

12 (c) The term of a member of the task force appointed under subsection (3)(d) or (e) of this section  
13 is four years except that the member ceases to be a member of the task force when the member  
14 ceases to be a city or county elected official. A city or county elected official may be reappointed  
15 to the task force.

16 (d) The term of a member of the Oregon Transportation Commission appointed to the task force  
17 is four years except that the member ceases to be a member of the task force when the member  
18 ceases to be a member of the commission. A member of the commission may be reappointed to the  
19 task force.

20 (5) A legislator appointed to the task force is entitled to per diem and other expense payments  
21 as authorized by ORS 171.072 from funds appropriated to the Legislative Assembly. Other members  
22 of the task force are entitled to compensation and expenses as provided in ORS 292.495.

23 (6) The Department of Transportation shall provide staff to the task force.

24 (7) The task force shall study alternatives to the current system of taxing highway use through  
25 motor vehicle fuel taxes. The task force shall gather public comment on alternative approaches and  
26 shall make recommendations to the Department of Transportation and the Oregon Transportation  
27 Commission on the design of pilot programs to be used to test alternative approaches. The task force  
28 may also make recommendations to the department and the commission on criteria to be used to  
29 evaluate pilot programs. The task force may evaluate any pilot program implemented by the de-  
30 partment and report the results of the evaluation to the Legislative Assembly, the department and  
31 the commission.

32 *[(8) In addition to the requirements of subsection (9) of this section, the task force shall propose to*  
33 *the Seventy-second Legislative Assembly options for the design of a revenue collection system for*  
34 *Oregon's roads and highways that would replace the current system for revenue collection.]*

35 [(9)] (8) The task force shall report to each regular session of the Legislative Assembly on the  
36 work of the task force, the department and the commission in designing, implementing and evaluat-  
37 ing pilot programs.

38 [(10)] (9) Official action by the task force requires the approval of a majority of the members  
39 of the task force.

40 [(11)] (10) Notwithstanding ORS 171.130 and 171.133, the task force by official action may re-  
41 commend legislation. Legislation recommended by the task force must indicate that it is introduced  
42 at the request of the task force. Legislative measures proposed by the task force shall be prepared  
43 in time for pre-session filing with the Legislative Counsel by December 15 of the year preceding a  
44 regular session of the Legislative Assembly.

45 **SECTION 2.** ORS 367.620 is amended to read:

1 367.620. (1) The principal amount of Highway User Tax Bonds issued under ORS 367.615 shall  
2 be subject to the provisions of ORS 286A.035.

3 (2) Highway User Tax Bonds may be issued under ORS 367.615 for the purposes described in  
4 ORS 367.622 in an aggregate principal amount sufficient to produce net proceeds of not more than  
5 \$500 million.

6 (3)(a) Highway User Tax Bonds may be issued under ORS 367.615 for bridge purposes described  
7 in section 10 (1), chapter 618, Oregon Laws 2003, in an aggregate principal amount sufficient to  
8 produce net proceeds of not more than \$1.6 billion.

9 (b) Highway User Tax Bonds may be issued under ORS 367.615 for modernization purposes de-  
10 scribed in sections 10 (2) and 11, chapter 618, Oregon Laws 2003, in an aggregate principal amount  
11 sufficient to produce net proceeds of not more than \$300 million.

12 (c) Highway User Tax Bonds may be issued under ORS 367.615 for the purposes described sec-  
13 tion 64, chapter 865, Oregon Laws 2009, in an aggregate principal amount sufficient to produce net  
14 proceeds of not more than \$840 million. **The proceeds from bonds issued as described in this**  
15 **paragraph that are not required for the purposes described in section 64, chapter 865, Oregon**  
16 **Laws 2009, shall be allocated to transportation projects, as defined in ORS 367.010, that are**  
17 **approved by the Legislative Assembly by law.**

18 (d) The Department of Transportation, with the approval of the State Treasurer, may designate  
19 the extent to which a series of bonds authorized under this subsection is secured and payable on a  
20 parity of lien or on a subordinate basis to existing or future Highway User Tax Bonds.

21 **SECTION 3. (1) The Department of Transportation shall consult with the legislative**  
22 **committees related to transportation during a session of the Legislative Assembly, or the**  
23 **interim legislative committees related to transportation, prior to expending federal funds**  
24 **received under a federal law that provides general economic stimulus moneys to this state**  
25 **that may be used by the department for transportation projects.**

26 (2) **As used in this section, “transportation project” has the meaning given that term in**  
27 **ORS 367.010.**

28 **SECTION 4.** ORS 801.041, as amended by section 40a, chapter 865, Oregon Laws 2009, is  
29 amended to read:

30 801.041. The following apply to the authority granted to counties by ORS 801.040 to establish  
31 registration fees for vehicles:

32 (1) An ordinance establishing registration fees under this section must be enacted by the county  
33 imposing the registration fee and filed with the Department of Transportation. Notwithstanding  
34 ORS 203.055 or any provision of a county charter, the governing body of a county with a population  
35 of 350,000 or more may enact an ordinance establishing registration fees **for the purpose of de-**  
36 **signing, acquiring necessary property for, engineering and constructing a bridge and its ap-**  
37 **proaches to replace the Sellwood Bridge that crosses the Willamette River in the City of**  
38 **Portland.** *[The governing body of a county with a population of less than 350,000 may enact an ordi-*  
39 *nance establishing registration fees after submitting the ordinance to the electors of the county for their*  
40 *approval.]* The governing body of the county imposing the registration fee shall enter into an inter-  
41 governmental agreement under ORS 190.010 with the department by which the department shall  
42 collect the registration fees, pay them over to the county and, if necessary, allow the credit or  
43 credits described in ORS 803.445 (5). The intergovernmental agreement must state the date on which  
44 the department shall begin collecting registration fees for the county.

45 (2) The authority granted by this section allows the establishment of registration fees in addition

1 to those described in ORS 803.420. There is no authority under this section to affect registration  
2 periods, qualifications, cards, plates, requirements or any other provision relating to vehicle regis-  
3 tration under the vehicle code.

4 (3) Except as otherwise provided for in this subsection, when registration fees are imposed under  
5 this section, they must be imposed on all vehicle classes. Registration fees as provided under this  
6 section may not be imposed on the following:

7 (a) Snowmobiles and Class I all-terrain vehicles.

8 (b) Fixed load vehicles.

9 (c) Vehicles registered under ORS 805.100 to disabled veterans.

10 (d) Vehicles registered as antique vehicles under ORS 805.010.

11 (e) Vehicles registered as vehicles of special interest under ORS 805.020.

12 (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.

13 (g) School buses or school activity vehicles registered under ORS 805.050.

14 (h) Law enforcement undercover vehicles registered under ORS 805.060.

15 (i) Vehicles registered on a proportional basis for interstate operation.

16 (j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (10)  
17 or (11).

18 (k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.

19 (L) Travel trailers, campers and motor homes.

20 (4) Any registration fee imposed by a county must be a fixed amount not to exceed, with respect  
21 to any vehicle class, the registration fee established under ORS 803.420 (1). For vehicles on which  
22 a flat fee is imposed under ORS 803.420, the fee must be a whole dollar amount.

23 (5) Moneys from registration fees established under this section must be paid to the county es-  
24 tablishing the registration fees as provided in ORS 802.110. **The moneys shall be used for the**  
25 **necessary property acquisition for and the design, replacement, engineering and construction**  
26 **of a bridge and its approaches to replace the Sellwood Bridge that crosses the Willamette**  
27 **River in the City of Portland. Except for motor vehicles registered as government-owned**  
28 **vehicles under ORS 805.040, the bridge shall be restricted to motor vehicles with a gross ve-**  
29 **hicle weight rating of 26,000 pounds or less.** *[The county ordinance shall provide for payment of*  
30 *at least 40 percent of the moneys to cities within the county unless a different distribution is agreed*  
31 *upon by the county and the cities within the jurisdiction of the county. The moneys shall be used for*  
32 *any purpose for which moneys from registration fees may be used.]*

33 (6) Two or more counties may act jointly to impose a registration fee under this section. The  
34 ordinance of each county acting jointly with another under this subsection must provide for the  
35 distribution of moneys collected through a joint registration fee.

36 **SECTION 5.** ORS 801.041, as amended by section 40a, chapter 865, Oregon Laws 2009, and  
37 section 4 of this 2011 Act, is amended to read:

38 801.041. The following apply to the authority granted to counties by ORS 801.040 to establish  
39 registration fees for vehicles:

40 (1) An ordinance establishing registration fees under this section must be enacted by the county  
41 imposing the registration fee and filed with the Department of Transportation. Notwithstanding  
42 ORS 203.055 or any provision of a county charter, the governing body of a county with a population  
43 of 350,000 or more may enact an ordinance establishing registration fees *[for the purpose of design-*  
44 *ing, acquiring necessary property for, engineering and constructing a bridge and its approaches to re-*  
45 *place the Sellwood Bridge that crosses the Willamette River in the City of Portland]*. **The governing**

1 **body of a county with a population of less than 350,000 may enact an ordinance establishing**  
 2 **registration fees after submitting the ordinance to the electors of the county for their ap-**  
 3 **proval.** The governing body of the county imposing the registration fee shall enter into an inter-  
 4 governmental agreement under ORS 190.010 with the department by which the department shall  
 5 collect the registration fees, pay them over to the county and, if necessary, allow the credit or  
 6 credits described in ORS 803.445 (5). The intergovernmental agreement must state the date on which  
 7 the department shall begin collecting registration fees for the county.

8 (2) The authority granted by this section allows the establishment of registration fees in addition  
 9 to those described in ORS 803.420. There is no authority under this section to affect registration  
 10 periods, qualifications, cards, plates, requirements or any other provision relating to vehicle regis-  
 11 tration under the vehicle code.

12 (3) Except as otherwise provided for in this subsection, when registration fees are imposed under  
 13 this section, they must be imposed on all vehicle classes. Registration fees as provided under this  
 14 section may not be imposed on the following:

15 (a) Snowmobiles and Class I all-terrain vehicles.

16 (b) Fixed load vehicles.

17 (c) Vehicles registered under ORS 805.100 to disabled veterans.

18 (d) Vehicles registered as antique vehicles under ORS 805.010.

19 (e) Vehicles registered as vehicles of special interest under ORS 805.020.

20 (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.

21 (g) School buses or school activity vehicles registered under ORS 805.050.

22 (h) Law enforcement undercover vehicles registered under ORS 805.060.

23 (i) Vehicles registered on a proportional basis for interstate operation.

24 (j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (10)  
 25 or (11).

26 (k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.

27 (L) Travel trailers, campers and motor homes.

28 (4) Any registration fee imposed by a county must be a fixed amount not to exceed, with respect  
 29 to any vehicle class, the registration fee established under ORS 803.420 (1). For vehicles on which  
 30 a flat fee is imposed under ORS 803.420, the fee must be a whole dollar amount.

31 (5) Moneys from registration fees established under this section must be paid to the county es-  
 32 tablishing the registration fees as provided in ORS 802.110. *[The moneys shall be used for the neces-*  
 33 *sary property acquisition for and the design, replacement, engineering and construction of a bridge and*  
 34 *its approaches to replace the Sellwood Bridge that crosses the Willamette River in the City of Portland.*  
 35 *Except for motor vehicles registered as government-owned vehicles under ORS 805.040, the bridge shall*  
 36 *be restricted to motor vehicles with a gross vehicle weight rating of 26,000 pounds or less.] **The county**  
 37 **ordinance shall provide for payment of at least 40 percent of the moneys to cities within the**  
 38 **county unless a different distribution is agreed upon by the county and the cities within the**  
 39 **jurisdiction of the county. The moneys for the cities and the county shall be used for any**  
 40 **purpose for which moneys from registration fees may be used.***

41 (6) Two or more counties may act jointly to impose a registration fee under this section. The  
 42 ordinance of each county acting jointly with another under this subsection must provide for the  
 43 distribution of moneys collected through a joint registration fee.

44 **SECTION 6. The amendments to ORS 801.041 by section 5 of this 2011 Act become oper-**  
 45 **ative on July 1, 2013.**

1       **SECTION 7.** The Director of Transportation shall:

2           (1) Appoint an employee of the Department of Transportation to participate in meetings  
3 held by the cooperating committee created pursuant to the Multistate Highway Transporta-  
4 tion Agreement under ORS 802.560.

5           (2) Pay any membership fee required by the Multistate Highway Transportation Agree-  
6 ment from funds appropriated to the department.

7       **SECTION 8.** Sections 3, 4 and 41, chapter 865, Oregon Laws 2009, are repealed.

8       **SECTION 9.** Section 3 of this 2011 Act applies to federal laws that provide economic  
9 stimulus funds to states that take effect on or after the effective date of this 2011 Act.

10       **SECTION 10.** This 2011 Act being necessary for the immediate preservation of the public  
11 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
12 on its passage.  
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