

Senate Bill 128

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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**.

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.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; amending ORS 184.843 and 367.617 and sections 5 and 64, chapter 865,
3 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.

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

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

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

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

29 (b) The term of a member of the task force appointed under subsection (3)(c) of this section is

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 four years and the member may be reappointed.

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

6 (d) The term of a member of the Oregon Transportation Commission appointed to the task force
7 is four years except that the member ceases to be a member of the task force when the member
8 ceases to be a member of the commission. A member of the commission may be reappointed to the
9 task force.

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

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

14 (7) The task force shall study alternatives to the current system of taxing highway use through
15 motor vehicle fuel taxes. The task force shall gather public comment on alternative approaches and
16 shall make recommendations to the Department of Transportation and the Oregon Transportation
17 Commission on the design of pilot programs to be used to test alternative approaches. The task force
18 may also make recommendations to the department and the commission on criteria to be used to
19 evaluate pilot programs. The task force may evaluate any pilot program implemented by the de-
20 partment and report the results of the evaluation to the Legislative Assembly, the department and
21 the commission.

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

25 [(9)] (8) The task force shall report to each regular session of the Legislative Assembly on the
26 work of the task force, the department and the commission in designing, implementing and evaluat-
27 ing pilot programs.

28 [(10)] (9) Official action by the task force requires the approval of a majority of the members
29 of the task force.

30 [(11)] (10) Notwithstanding ORS 171.130 and 171.133, the task force by official action may re-
31 commend legislation. Legislation recommended by the task force must indicate that it is introduced
32 at the request of the task force. Legislative measures proposed by the task force shall be prepared
33 in time for pre-session filing with the Legislative Counsel by December 15 of the year preceding a
34 regular session of the Legislative Assembly.

35 **SECTION 2.** ORS 367.617 is amended to read:

36 367.617. (1) As used in this section:

37 (a) "Bond" has the meaning given that term in ORS 367.010.

38 (b) "Bond debt service" has the meaning given that term in ORS 367.010.

39 (2) On each January 1, April 1, July 1 and October 1, and on the date of issuance of any High-
40 way User Tax Bonds described in ORS 367.620 (3)(c), the Department of Transportation shall deter-
41 mine:

42 (a) The amount of Highway User Tax Bonds described in ORS 367.620 (3)(c) that are outstanding;

43 (b) The amount reasonably estimated, as set forth in subsection [(4)] (5) of this section, as being
44 necessary to pay bond debt service on the outstanding Highway User Tax Bonds described in ORS
45 367.620 (3)(c); *[and]*

1 (c) The amount of moneys allocated to the department under ORS 366.752 that is not required
 2 to pay bond debt service on the outstanding Highway User Tax Bonds described in ORS 367.620
 3 (3)(c)[. *The department shall deposit the amount into the Transportation Project Account established*
 4 *under ORS 366.523.*]; **and**

5 **(d) The amount of moneys allocated to any project listed in section 64, chapter 865,**
 6 **Oregon Laws 2009, that is not required for that project.**

7 **(3) The department shall deposit the amount of moneys allocated to the department or**
 8 **to any project under subsection (2)(c) and (d) of this section into the Transportation Project**
 9 **Account established under ORS 366.523.**

10 [(3)] (4) The amount of moneys determined by the department under subsection (2)(c) **and (d)**
 11 of this section may be allocated by the Oregon Transportation Commission pursuant to a request
 12 of the department, in an amount that does not exceed the amount determined by the department,
 13 under subsection (2)(c) **and (d)** of this section, to the following projects in the following order of
 14 priority:

15 (a) The amount established for projects listed in section 64, chapter 865, Oregon Laws 2009[;].

16 (b) \$15 million each year for maintenance, preservation and safety of the highways so long as
 17 the amount reasonably estimated by the department pursuant to subsection (2)(b) of this section is
 18 not greater than the amount received by the department under ORS 366.752 (4)(c)[; *and*].

19 **(c) To supplement the amount of moneys allocated for a project listed in section 64,**
 20 **chapter 865, Oregon Laws 2009, when the commission determines that the project cannot be**
 21 **completed for the amount allocated to it. When the commission allocates funds from the**
 22 **Transportation Project Account to a project listed in section 64, chapter 865, Oregon Laws**
 23 **2009, the commission shall give priority to a project located in the same region of the state**
 24 **as a project that does not require the amount of funds allocated to it under section 64,**
 25 **chapter 865, Oregon Laws 2009.**

26 [(c)] **(d) For any other purposes determined by the commission, including but not limited to**
 27 **extensions or additional phases of projects identified in section 64, chapter 865, Oregon Laws**
 28 **2009.**

29 [(4)] (5) To reasonably estimate the amount necessary to pay bond debt service on Highway User
 30 Tax Bonds described in ORS 367.620 (3)(c), the department shall include in its computation:

31 (a) For fixed rate bonds, the bond debt service payments due on the bonds in the calendar
 32 quarter; and

33 (b) For variable rate bonds, bond debt service payments due on the bonds in the calendar
 34 quarter, with interest computed at the maximum rate of interest as set forth in the bond declaration
 35 or bond indenture executed by the department pursuant to ORS 367.630 and 367.640.

36 **SECTION 3.** Section 5, chapter 865, Oregon Laws 2009, as amended by section 2, chapter 30,
 37 Oregon Laws 2010, is amended to read:

38 **Sec. 5.** (1) The Department of Transportation shall provide information on the department's
 39 website about:

40 (a) Transportation projects described in section 64, chapter 865, Oregon Laws 2009; and

41 (b) Any other transportation projects funded by the increase in taxes and fees by the amend-
 42 ments to:

43 (A) ORS 803.090 by section 42, chapter 865, Oregon Laws 2009;

44 (B) ORS 803.420 by section 43, chapter 865, Oregon Laws 2009;

45 (C) ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009;

- 1 (D) ORS 803.570 by section 44, chapter 865, Oregon Laws 2009;
- 2 (E) ORS 803.645 by section 44a, chapter 865, Oregon Laws 2009;
- 3 (F) ORS 319.020 by section 48, chapter 865, Oregon Laws 2009;
- 4 (G) ORS 319.530 by section 49, chapter 865, Oregon Laws 2009;
- 5 (H) ORS 818.225 by section 51, chapter 865, Oregon Laws 2009;
- 6 (I) ORS 825.476 by section 52, chapter 865, Oregon Laws 2009; and
- 7 (J) ORS 825.480 by section 53, chapter 865, Oregon Laws 2009.

8 (2) The department shall make the information accessible directly from the department’s website
 9 home page.

10 (3) For each project listed, the department shall provide a short description of the project, the
 11 intended benefit of the project, an estimated date for inviting bids and entering into contracts, an
 12 estimated contract cost, an estimated completion date, any change in the estimated completion date
 13 and any change in the project cost. The department shall also provide explanation for any change
 14 in the estimated completion date or change in project cost.

15 **(4) The department shall indicate on the department’s website when an extension or**
 16 **phase is added to a project listed in section 64, chapter 865, Oregon Laws 2009, or the amount**
 17 **of moneys allocated to a project listed in section 64, chapter 865, Oregon Laws 2009, is sup-**
 18 **plemented with moneys from the Transportation Project Account under ORS 367.617 (4)(c).**

19 [(4)] (5) The department shall update the information required by this section each week until
 20 all projects are completed.

21 [(5)] (6) The department shall report to the interim House and Senate committees related to
 22 transportation on the progress the department is making toward achieving the goals of this section.

23 **SECTION 4.** Section 64, chapter 865, Oregon Laws 2009, is amended to read:

24 **Sec. 64.** (1) Proceeds of the bonds, as defined in ORS 367.010, authorized under ORS 367.620
 25 (3)(c) may be used to finance all or any portion of the projects as listed in subsection (2) of this
 26 section. The commission shall determine the order of completion for the projects listed in subsection
 27 (2) of this section.

28 (2) **Subject to ORS 367.617**, the following amounts are allocated for the projects listed below:

-
- 31 (a) U.S. Highway 26 at the
 32 Glencoe Road
 33 Interchange \$ 32 million
 - 34 (b) Interstate 84 at the
 35 257th Avenue Interchange.. \$ 24 million
 - 36 (c) State Highway 212: Sunrise
 37 Corridor, Phase I, Units 1,
 38 2 and 3 \$100 million
 - 39 (d) U.S. Highway 26 at the Shute
 40 Road Interchange,
 41 Phase I \$ 45 million
 - 42 (e) Interstate 5 at the Interstate
 43 205 Interchange..... \$ 11 million
 - 44 (f) U.S. Highway 26: 185th Avenue
 45 to Cornell Road..... \$ 20 million

- 1 (g) Interstate 205 and State
2 Highway 213 at the Washington
3 Street Interchange..... \$ 22 million
- 4 (h) Interstate 84 at the Hood
5 River Interchange..... \$ 10 million
- 6 (i) State Highway 43 at the
7 Sellwood Bridge
8 Interchange \$ 30 million
- 9 (j) State Highway 6 at U.S.
10 Highway 101 \$ 27 million
- 11 (k) State Highway 99W: Newberg
12 and Dundee Bypass, Phase I \$192 million
- 13 (L) Interstate 5 at the State Highway
14 214 Interchange..... \$ 43 million
- 15 (m) Interstate 5 at Beltline
16 Highway, Units 3, 4, 5,
17 6 and 7 \$ 80 million
- 18 (n) Beltline Highway at
19 Delta Highway \$ 2 million
- 20 (o) Interstate 5 at Kuebler
21 Road, Phase I \$ 15 million
- 22 (p) Interstate 5 at Kuebler
23 Road, Phase II
24 (Mill Creek)..... \$ 4 million
- 25 (q) State Highway 42, county
26 line curves..... \$ 10 million
- 27 (r) State Highway 62: Corridor
28 Solution, Phase II..... \$100 million
- 29 (s) Interstate 5 at the Fern Valley
30 Road Interchange \$ 25 million
- 31 (t) Interstate 5 Sutherlin
32 truck climbing lanes \$ 4.1 million
- 33 (u) Interstate 5 Sexton truck
34 climbing lanes..... \$ 10 million
- 35 (v) Interstate 84 at the U.S.
36 Highway 97 Interchange..... \$ 19 million
- 37 (w) U.S. Highway 97: Crooked
38 River Bridge to Redmond... \$ 2 million
- 39 (x) State Highway 140:
40 Klamath Falls to the
41 Nevada state line \$ 23 million
- 42 (y) Murphy Road at the U.S.
43 Highway 97 Interchange..... \$ 25 million
- 44 (z) U.S. Highway 97: Redmond
45 reroute, Phase II..... \$ 5 million

- 1 (aa) Chico Road reconstruction
- 2 in Baker County \$ 1 million
- 3 (bb) Chandler Lane reconstruction
- 4 in Baker County \$ 4.6 million
- 5 (cc) Interstate 84 Spring Creek
- 6 climbing lane in
- 7 Union County \$ 5.7 million
- 8 (dd) Northwest Washington Avenue
- 9 in Malheur County..... \$ 4.5 million
- 10 (ee) Pierce Road improvements
- 11 in Union County \$ 5 million
- 12 (ff) State Highway 82 alternate route
- 13 in Wallowa County..... \$ 5 million
- 14 (gg) Westland Road in Umatilla
- 15 County..... \$ 1.1 million
- 16 (hh) State Highway 207 and State
- 17 Highway 206 intersections. \$ 0.5 million
- 18 (ii) Vehicle chain-up areas east
- 19 of Pendleton on Interstate
- 20 84..... \$ 4.7 million
- 21 (jj) Izee-Paulina Highway in
- 22 Grant County..... \$ 4.5 million
- 23 (kk) Monroe Street and U.S.
- 24 Highway 20 Intersection
- 25 in Harney County..... \$ 0.9 million

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28 (3) Prior to June 1, 2010, in addition to the projects listed in subsection (2) of this section, if

29 projects are recommended to the Oregon Transportation Commission by the applicable local area

30 commission on transportation after consultation with the local governments listed in this subsection,

31 the Oregon Transportation Commission may also approve and allocate funds to the following local

32 governments for projects approved by the commission in the following amounts:

-
- 35 (a) Baker County \$ 4.5 million
 - 36 (b) Grant County..... \$ 1.1 million
 - 37 (c) Harney County..... \$ 4.1 million
 - 38 (d) Malheur County..... \$ 5.8 million
 - 39 (e) Union County \$ 1.3 million
 - 40 (f) Umatilla County..... \$ 2.5 million
 - 41 (g) City of Nyssa..... \$ 1 million
 - 42 (h) City of Heppner \$ 3 million
 - 43 (i) City of Milton-Freewater \$ 3 million
 - 44 (j) City of Ontario..... \$ 1.2 million
 - 45 (k) Port of Umatilla..... \$ 4.5 million

1 (L) Port of Morrow..... \$10.7 million

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SECTION 5. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.
