

# Enrolled Senate Bill 260

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CHAPTER .....

AN ACT

Relating to the Multimodal Transportation Fund; creating new provisions; amending ORS 367.080, 367.084 and 367.086; and declaring an emergency.

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

**SECTION 1.** ORS 367.080 is amended to read:

367.080. (1) As used in ORS 367.080 to 367.086, "transportation project" has the meaning given that term in ORS 367.010.

(2) The Multimodal Transportation Fund is established separate and distinct from the General Fund. Earnings on moneys in the Multimodal Transportation Fund shall be deposited into the fund. Moneys in the Multimodal Transportation Fund are continuously appropriated to the Department of Transportation for the purposes described in subsection (3) of this section and in ORS 367.086.

(3) The department shall use moneys in the Multimodal Transportation Fund to provide grants and loans for transportation projects as provided in ORS 367.080 to 367.086. Grants and loans may be provided only for projects that involve one or more of the following modes of transportation:

- (a) Air;
- (b) Marine;
- (c) Rail; *[and]*
- (d) Public transit[.]; **and**
- (e) **Bicycle and pedestrian.**

(4) All moneys received by the department as interest on loans made under this section and as repayment of principal of loans made under this section shall be deposited into the Multimodal Transportation Fund.

**SECTION 2.** ORS 367.084 is amended to read:

367.084. (1) The Oregon Transportation Commission shall select transportation projects to be funded with moneys in the Multimodal Transportation Fund established by ORS 367.080.

(2)(a) Prior to selecting aeronautic and airport transportation projects, the commission shall solicit recommendations from the State Aviation Board.

(b) Prior to selecting freight transportation projects, the commission shall solicit recommendations from the Freight Advisory Committee.

(c) Prior to selecting public transit and rail projects, the commission shall solicit recommendations from its public transit and rail advisory committees.

(d) Prior to selecting marine projects, the commission shall solicit recommendations from the Oregon Business Development Department.

**(e) Prior to selecting bicycle and pedestrian projects, the commission shall solicit recommendations from the advisory committee created by ORS 366.112.**

(3) In selecting transportation projects the commission shall consider:

(a) Whether a proposed transportation project reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor;

(b) Whether a proposed transportation project results in an economic benefit to this state;

(c) Whether a proposed transportation project is a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system;

(d) How much of the cost of a proposed transportation project can be borne by the applicant for the grant or loan from any source other than the Multimodal Transportation Fund; and

(e) Whether a proposed transportation project is ready for construction.

**SECTION 3.** ORS 367.086 is amended to read:

*367.086. [(1) The Oregon Transportation Commission shall transfer moneys for aeronautic and airport transportation projects selected under ORS 367.084 from the Multimodal Transportation Fund to the Oregon Department of Aviation, which shall administer the projects. The amount transferred shall include moneys to pay administrative costs incurred by the Oregon Department of Aviation in carrying out the provisions of ORS 367.080 to 367.086.]*

**(1) The Department of Transportation, in cooperation with the Oregon Department of Aviation, shall administer aeronautic and airport transportation projects selected under ORS 367.084 for funding with moneys in the Multimodal Transportation Fund. The Oregon Department of Aviation may use moneys from the Multimodal Transportation Fund to pay administrative costs incurred by the Oregon Department of Aviation in carrying out the provisions of ORS 367.080 to 367.086.**

(2) Except as provided in subsection (1) of this section, the Department of Transportation shall administer all transportation projects that are selected under ORS 367.084. The Department of **Transportation** may use moneys from the Multimodal Transportation Fund to pay administrative costs incurred by the Department of **Transportation** in carrying out the provisions of ORS 367.080 to 367.086.

**SECTION 4.** Section 5 of this 2013 Act is added to and made a part of ORS 824.200 to 824.256.

**SECTION 5.** (1) Notwithstanding ORS 367.082, a railroad company may not receive, directly or indirectly, a grant or loan of moneys from the Multimodal Transportation Fund established in ORS 367.080 if the railroad company charges a landowner for an easement to cross a railroad that is necessary for the landowner to access the landowner's property.

(2)(a) This section applies only to a railroad company that operates a railroad located wholly within the boundaries of Benton and Linn Counties.

(b) The provisions of this section do not apply to a railroad company that was imposing and collecting the charge before January 1, 2013.

(3) Rules adopted by the Department of Transportation under ORS 367.082 relating to applications for grants or loans of moneys from the Multimodal Transportation Fund must provide for notice to applicants of the restrictions imposed by this section.

(4) If the department determines that a railroad company has charged a landowner for an easement in violation of this section, the department may not thereafter make any further grants or loans of moneys from the Multimodal Transportation Fund that would benefit the railroad company.

**SECTION 6.** Section 5 of this 2013 Act applies to all grants and loans of moneys from the Multimodal Transportation Fund made on or after the effective date of this 2013 Act.

**SECTION 7.** This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

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**Passed by Senate July 8, 2013**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House July 8, 2013**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State