

**A-Engrossed**  
**Senate Bill 260**

Ordered by the Senate April 4  
Including Senate Amendments dated April 4

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 Business, Transportation and Economic Development)

**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 issuance of lottery bonds for transportation projects funded from Multimodal Transportation Fund. Specifies allocation of lottery bond proceeds.

**Prohibits railroad company from receiving grant or loan from fund under certain circumstances.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to the Multimodal Transportation Fund; creating new provisions; amending ORS 367.086;  
3 and declaring an emergency.

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

5 **SECTION 1. (1) For the biennium beginning July 1, 2013, at the request of the Oregon**  
6 **Department of Administrative Services, in consultation with the Department of Transporta-**  
7 **tion, the State Treasurer is authorized to issue lottery bonds pursuant to ORS 286A.560 to**  
8 **286A.585 in an amount not to exceed net proceeds of \$\_\_\_\_\_ million for the purpose de-**  
9 **scribed in subsection (2) of this section, plus an additional amount, to be estimated by the**  
10 **State Treasurer, for payment of bond-related costs.**

11 **(2) Net proceeds of lottery bonds issued pursuant to this section must be deposited in the**  
12 **Multimodal Transportation Fund established under ORS 367.080 sufficient to provide**  
13 **\$\_\_\_\_\_ million in net proceeds and interest earnings for the Department of Transportation**  
14 **to finance grants and loans for transportation projects as provided in ORS 367.080 to 367.086.**

15 **(3) Bond-related costs for the lottery bonds authorized by this section must be paid from**  
16 **the gross proceeds of the lottery bonds and from allocations for the purposes of ORS**  
17 **286A.576 (1)(c).**

18 **(4) The Legislative Assembly finds that issuing lottery bonds to finance transportation**  
19 **projects pursuant to this section is essential to promoting the state's economic development**  
20 **and the use of lottery bond proceeds is authorized based on the following findings:**

21 **(a) There is an urgent need to improve and expand publicly owned and privately owned**  
22 **transportation infrastructure to support economic development in this state.**

23 **(b) A safe, efficient and reliable transportation network supports the long-term economic**  
24 **development and livability of this state.**

25 **(c) A multimodal network of air, rail, public transit, highway and marine transportation**

**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 moves people and goods efficiently.

2 (d) Local governments and private sector businesses often lack capital and the technical  
3 capacity to undertake multimodal transportation projects.

4 (e) Public financial assistance can stimulate industrial growth and commercial enterprise  
5 and promote employment opportunities in this state.

6 (f) Public investment in transportation infrastructure will create jobs and further eco-  
7 nomic development in this state.

8 (g) The use of lottery bond proceeds as provided in this section will create jobs, further  
9 economic development, finance public education or protect parks, watersheds, fish or wildlife  
10 within Oregon, and issuance of lottery bonds for the purpose described in this section is  
11 therefore an appropriate use of state lottery funds under Article XV, section 4, of the Oregon  
12 Constitution, and ORS 461.510.

13 **SECTION 2.** To the extent that proposed transportation projects meet the qualifications  
14 established by the Oregon Transportation Commission by rule, the commission shall allocate  
15 at least 10 percent of the net proceeds of the lottery bonds authorized by section 1 of this  
16 2013 Act to each region described in this section. For purposes of this section, the regions  
17 are as follows:

18 (1) Region one consists of Clackamas, Hood River, Multnomah and Washington Counties.

19 (2) Region two consists of Benton, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk,  
20 Tillamook and Yamhill Counties.

21 (3) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

22 (4) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake,  
23 Sherman, Wasco and Wheeler Counties.

24 (5) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and  
25 Wallowa Counties.

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

27 367.086. [(1) *The Oregon Transportation Commission shall transfer moneys for aeronautic and*  
28 *airport transportation projects selected under ORS 367.084 from the Multimodal Transportation Fund*  
29 *to the Oregon Department of Aviation, which shall administer the projects. The amount transferred*  
30 *shall include moneys to pay administrative costs incurred by the Oregon Department of Aviation in*  
31 *carrying out the provisions of ORS 367.080 to 367.086.]*

32 (1) **The Department of Transportation, in cooperation with the Oregon Department of**  
33 **Aviation, shall administer aeronautic and airport transportation projects selected under ORS**  
34 **367.084 for funding from the Multimodal Transportation Fund. The Oregon Department of**  
35 **Aviation may use moneys from the Multimodal Transportation Fund to pay administrative**  
36 **costs incurred by the Oregon Department of Aviation in carrying out the provisions of ORS**  
37 **367.080 to 367.086.**

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

43 **SECTION 4.** Section 5 of this 2013 Act is added to and made a part of ORS 824.200 to  
44 824.256.

45 **SECTION 5.** (1) Notwithstanding ORS 367.082, a railroad company may not receive, di-

1 rectly or indirectly, a grant or loan from the Multimodal Transportation Fund established  
2 under ORS 367.080 if the railroad company charges a landowner for an easement to cross a  
3 railroad that is necessary for the landowner to access the landowner's property.

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

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

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

11 (4) If the department determines that a railroad company has charged a landowner for  
12 an easement in violation of this section, the department may not thereafter make any fur-  
13 ther grants or loans from the Multimodal Transportation Fund that would benefit the rail-  
14 road company.

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

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