

B-Engrossed
Senate Bill 1502

Ordered by the House February 25
Including Senate Amendments dated February 14 and House Amendments
dated February 25

Sponsored by Senator JOHNSON (Pre-session filed.)

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.

Increases maximum number of motor vehicles active in per-mile road usage charge program at any time to 10,000. Increases maximum number of motor vehicles with rating of less than 17 miles per gallon and of motor vehicles with rating of at least 17 miles per gallon and less than 22 miles per gallon active in program at any time to 2,500 each.

Extends through end of biennium beginning July 1, 2015, provision that expenditures by Department of Transportation from funds received from other states, federal government, Canadian provinces or government of Canada for purposes of certain agreements with those entities related to road usage charges are not limited.

Modifies Department of Transportation's authority to issue variance permits to operate self-loading log truck.

Reallocates moneys among transportation projects listed in Jobs and Transportation Act of 2009.

Directs Oregon Transportation Commission to allocate unspent proceeds for state highway bridge projects to other specified projects after commission determines that highway bridge projects are completed.

Directs Department of Transportation and specified counties to transfer jurisdiction of certain county roads in exchange for state highways that no longer serve statewide purpose. Directs department and counties to report to committees of Legislative Assembly related to transportation regarding transfers.

Expands use of previously allocated funds for Outer Powell Boulevard project to be also used for pedestrian facilities in certain counties.

Designates portion of U.S. Highway 26 within Warm Springs Reservation as Warm Springs Veterans Memorial Highway.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 319.890 and 818.210 and section
3 64, chapter 865, Oregon Laws 2009, and section 84, chapter 722, Oregon Laws 2013; limiting
4 expenditures; and prescribing an effective date.

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

6 **SECTION 1.** ORS 319.890 is amended to read:

7 319.890. (1) A person wishing to pay the per-mile road usage charge imposed under ORS 319.885
8 must apply to the Department of Transportation on a form prescribed by the department.

9 (2) The department shall approve a valid and complete application submitted under this section
10 if:

11 (a) The applicant is the registered owner or lessee of a motor vehicle;

12 (b) The motor vehicle is equipped with a method selected pursuant to ORS 319.900 for collecting
13 and reporting the metered use by the motor vehicle of the highways in Oregon;

14 (c) The motor vehicle has a gross vehicle weight rating of 10,000 pounds or less; and

15 (d) Approval does not cause the number of subject vehicles active in the road usage charge
16 program on the date of approval to exceed [5,000] **10,000**, of which no more than [1,500] **2,500** may

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 have a rating of less than 17 miles per gallon and no more than [1,500] **2,500** may have a rating of
2 at least 17 miles per gallon and less than 22 miles per gallon, such ratings to be determined pursuant
3 to a method established by the department.

4 (3) Approval of an application under this section subjects the applicant to the requirements of
5 ORS 319.920 until the person ends the person's voluntary participation in the road usage charge
6 program in the manner required under subsection (4) of this section.

7 (4) A person may end the person's voluntary participation in the road usage charge program at
8 any time by notifying the department, returning the emblem issued under ORS 319.945 to the de-
9 partment and paying any outstanding amount of road usage charge for metered use by the person's
10 subject vehicle.

11 **SECTION 2. The amendments to ORS 319.890 by section 1 of this 2014 Act become oper-**
12 **ative on July 1, 2015.**

13 **SECTION 3. For the biennium beginning July 1, 2015, expenditures by the Department**
14 **of Transportation from funds received from other states, the federal government, Canadian**
15 **provinces or the government of Canada for the purposes described in ORS 319.947 are not**
16 **limited.**

17 **SECTION 4.** ORS 818.210 is amended to read:

18 818.210. Except as provided under ORS 818.220, a road authority shall not issue a variance
19 permit under ORS 818.200 for any vehicle or load that can readily or reasonably be dismantled or
20 disassembled. The limit under this section does not apply to the following:

21 (1) Combinations of vehicles consisting of not more than a motor truck with a registration
22 weight of more than 8,000 pounds and two self-supporting trailers or a truck tractor and semitrailer
23 drawing two self-supporting trailers or semitrailers mounted on dollies equipped with fifth wheels
24 having an overall length not in excess of 105 feet. The self-supporting trailers or semitrailers must
25 be reasonably uniform in length.

26 (2) Vehicles or combinations of vehicles having a length in excess of that permitted under ORS
27 818.060 or 818.090.

28 (3) Any self-loading log truck. In the granting of permits to vehicles described in this subsection,
29 a granting authority shall observe and be governed by the following maximum loaded weights:

30 (a) The loaded weight of any individual wheel, axle or tandem axles of any vehicle or combina-
31 tion of vehicles shall not exceed the maximum loaded wheel, axle and tandem axle weights set forth
32 in Tables I and II of ORS 818.010.

33 (b) The loaded weight of any group of axles of any vehicle or combination of vehicles, when the
34 distance between the first and last axles of any group of axles is 18 feet or less, and the loaded
35 weight of any vehicle when the distance between the first and last axles of all of the axles of the
36 vehicle is 18 feet or less, shall not exceed that set forth in the following table of weights, or the sum
37 of the permissible axle or tandem axle weights, whichever is less:

38		
39		
40	Distance in feet between	Maximum loaded weight,
41	the first and last axles	in pounds, of any
42	of any group of axles of	group of axles of any
43	any vehicle or combination	vehicle or combination
44	of vehicles, or between the	of vehicles, or
45	first and last axles of all	of any vehicle:

1 the axles of any vehicle:

2	6	34,000
3	7	34,000
4	8	34,000
5	9	39,000
6	10	40,000
7	11	40,000
8	12	40,000
9	13	40,000
10	14	43,200
11	15	44,000
12	16	44,800
13	17	45,600
14	18	50,000

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17 (c) The loaded weight of any vehicle or combination of vehicles, where the distance between the
 18 first and last axles of the vehicle or combination of vehicles is more than 18 feet, shall not exceed
 19 that set forth in the following table of weights, or the sum of the permissible axle, tandem axle or
 20 group of axles weights, whichever is less:

21 [_____]

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23	<i>Distance in feet</i>	<i>Maximum loaded weight,</i>
24	<i>between the first and</i>	<i>in pounds, of any</i>
25	<i>last axles of all the</i>	<i>vehicle or combination</i>
26	<i>axles of a vehicle or</i>	<i>of vehicles: 5 axles</i>
27	<i>combination of vehicles:</i>	<i>or more</i>

28	19	50,000
29	20	50,000
30	21	50,000
31	22	50,000
32	23	50,400
33	24	51,200
34	25	55,250
35	26	56,100
36	27	56,950
37	28	57,800
38	29	58,650
39	30	59,500
40	31	60,350
41	32	61,200
42	33	62,050
43	34	62,900
44	35	63,750
45	36	64,600

1	37	65,450	
2	38	66,300	
3	39	68,000	
4	40	70,000	73,000
5	41	72,000	73,500
6	42	73,280	74,500
7	43	73,280	75,000
8	44	73,280	75,500
9	45	73,280	76,000
10	46	73,280	77,000
11	47	73,280	77,500
12	48	73,280	78,000
13	49	73,280	78,500
14	50	73,280	79,500
15	51	73,280	80,000
16	52	73,600	80,000
17	53	74,400	80,000
18	54	75,200	80,000
19	55 or over	76,000	80,000

[_____]

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Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles:		Maximum loaded weight, in pounds, of any vehicle or combination of vehicles:			
Wheel Base	Max Weight	5 Axles	6 Axles	7 Axles	8 or More Axles
32	19	50,000			
33	20	50,000			
34	21	50,000			
35	22	50,000			
36	23	50,400			
37	24	51,200			
38	25	55,250			
39	26	56,100			
40	27	56,950			
41	28	57,800			
42	29	58,650			
43	30	59,500			
44	31	60,350			
45	32	61,200			

1	33	62,050				
2	34	62,900				
3	35	63,750				
4	36	64,600				
5	37	65,450				
6	38	66,300				
7	39	68,000				
8	40	70,000	73,000			
9	41	72,000	73,500			
10	42	73,280	74,500			
11	43	73,280	75,000			
12	44	73,280	75,500			
13	45	73,280	76,000			
14	46	73,280	77,000			
15	47	73,280	77,500	81,000	81,000	81,000
16	48	73,280	78,000	82,000	82,000	82,000
17	49	73,280	78,500	83,000	83,000	83,000
18	50	73,280	79,500	84,000	84,000	84,000
19	51	73,280	80,000	84,500	85,000	85,000
20	52	73,600	80,500	85,000	86,000	86,000
21	53	74,400	81,000	86,000	87,000	87,000
22	54	75,200	81,500	86,500	88,000	91,000
23	55	76,000	82,500	87,000	89,000	92,000
24	56	-	83,000	87,500	90,000	93,000
25	57	-	83,500	88,000	91,000	94,000
26	58	-	84,000	89,000	92,000	95,000
27	59	-	85,000	89,500	93,000	96,000
28	60	-	85,500	90,000	94,000	97,000
29	61	-	86,000	90,500	95,000	98,000
30	62	-	87,000	91,000	96,000	99,000
31	63	-	87,500	92,000	97,000	100,000
32	64	-	88,000	92,500	97,500	101,000
33	65	-	88,500	93,000	98,000	102,000
34	66	-	89,000	93,500	98,500	103,000
35	67	-	90,000	94,000	99,000	104,000
36	68	-	90,000	95,000	99,500	105,000
37	69	-	90,000	95,500	100,000	105,500
38	70	-	90,000	96,000	101,000	105,500
39	71	-	90,000	96,500	101,500	105,500
40	72	-	90,000	96,500	102,000	105,500
41	73	-	90,000	96,500	102,500	105,500
42	74	-	90,000	96,500	103,000	105,500
43	75	-	90,000	96,500	104,000	105,500
44	76	-	90,000	96,500	104,500	105,500
45	77	-	90,000	96,500	105,000	105,500

1	78	-	90,000	96,500	105,500	105,500
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- (4) Any vehicle, combination of vehicles, load, article, property, machine or thing that:
 - (a) Is used in the construction, maintenance or repair of public highways; and
 - (b) Is either not being used by the federal government, State of Oregon or any county or incorporated city or not being used at the immediate location or site.
- (5) Combinations of vehicles having a combined loaded weight in excess of that authorized under Table III of ORS 818.010.
- (6) A vehicle engaged in the transportation of secondary wood products, which may be issued a permit for an overlength load. As used in this subsection, "secondary wood products" means laminated wood products and wooden I-beams. A vehicle engaged in the transportation of secondary wood products may also transport a divisible load of secondary wood products that otherwise exceeds allowable load length limits if:
 - (a) The load contains a permitted, nondivisible secondary wood product that exceeds the length allowed in ORS 818.080 or 818.100;
 - (b) The divisible load does not exceed the length allowed for the nondivisible wood product in the permit; and
 - (c) Not more than 49 percent of each divisible load item, by length or weight, authorized by this subsection overhangs the vehicle transporting the load.
- (7) A vehicle engaged in the transportation of lumber, veneer or plywood, which may be issued a permit for an overwidth load if the width of the divisible load does not exceed nine feet.
- (8) A vehicle transporting an overheight marine container to or from a marine port facility.
- (9) A vehicle or combination of vehicles engaged in hauling grass seed straw, grass hay or cereal grain straw, which may be issued a permit to allow the load to be up to 14 feet 6 inches high. A permit issued under this subsection shall be valid for one year and shall specify the routes over which the overheight load may be hauled.
- (10) A vehicle or combination of vehicles that has a variance permit and that can carry items related to the already permitted load without increasing the size of the vehicle needed to carry the item requiring the variance permit.
- (11) A vehicle engaged in hauling poplar logs or the processing residual from the logs, which may be issued an annual overwidth permit for a vehicle and load with a combined width of not more than 12 feet. The annual permit shall allow movement of the vehicle only on Patterson Ferry Road and Frontage Road in Morrow County and only for a distance of 5,000 feet or less.
- (12) A vehicle or combination of vehicles engaged in hauling bagged grass seed or mint leaves in sacks, which may be issued a permit to allow the load to be up to nine feet six inches wide. A permit issued under this subsection shall be valid for one year and shall specify the routes over which the overwidth load may be hauled.

SECTION 5. Section 64, chapter 865, Oregon Laws 2009, is amended to read:

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

(2) The following amounts are allocated for the projects listed below:

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2	(a) U.S. Highway 26 at the	
3	Glencoe Road Interchange.....\$	32 million
4	(b) Interstate 84 at the	
5	[257th Avenue Interchange\$	24 million]
6	257th Avenue Interchange..\$	27 million
7	(c) State Highway 212: Sunrise	
8	Corridor, Phase I, Units 1,	
9	2 and 3.....\$	100 million
10	(d) U.S. Highway 26 at the Shute	
11	[Road Interchange, Phase I.....\$	45 million]
12	Road Interchange, Phase I.\$	47,947,687
13	(e) Interstate 5 at the Interstate	
14	[205 Interchange.....\$	11 million]
15	205 Interchange\$	8 million
16	(f) U.S. Highway 26: [185th Avenue]	
17	[to Cornell Road\$	20 million]
18	Cornelius Pass Road	
19	to Cornell Road.....\$	17,052,313
20	(g) Interstate 205 and State	
21	Highway 213 at the Washington	
22	Street Interchange\$	22 million
23	(h) Interstate 84 at the Hood	
24	River Interchange\$	10 million
25	(i) State Highway 43 at the	
26	Sellwood Bridge Interchange . \$	30 million
27	(j) State Highway 6 at U.S.	
28	Highway 101.....\$	27 million
29	(k) State Highway 99W: Newberg	
30	and Dundee Bypass, Phase I.. \$	192 million
31	(L) Interstate 5 at the State Highway	
32	214 Interchange\$	53 million
33	(m) Interstate 5 at Beltline	
34	Highway, Units 3, 4, 5,	
35	6 and 7.....\$	70 million
36	(n) Beltline Highway at	
37	Delta Highway\$	2 million
38	(o) Interstate 5 at Kuebler	
39	Road, Phase I.....\$	15 million
40	(p) Interstate 5 at Kuebler	
41	Road, Phase II (Mill Creek)....\$	4 million
42	(q) State Highway 42, county	
43	line curves\$	10 million
44	(r) State Highway 62: Corridor	
45	Solution, Phase II.....\$	100 million

1	(s) Interstate 5 at the Fern Valley	
2	Road Interchange.....\$	25 million
3	(t) Interstate 5 Sutherlin	
4	truck climbing lanes.....\$	4.1 million
5	(u) Interstate 5 Sexton truck	
6	climbing lanes.....\$	10 million
7	(v) Interstate 84 at the U.S.	
8	Highway 97 Interchange.....\$	19 million
9	(w) U.S. Highway 97: Crooked	
10	River Bridge to Redmond.....\$	2 million
11	(x) State Highway 140:	
12	Klamath Falls to the Nevada	
13	state line.....\$	23 million
14	(y) Murphy Road at the U.S.	
15	Highway 97 Interchange.....\$	25 million
16	(z) U.S. Highway 97: Redmond	
17	reroute, Phase II.....\$	5 million
18	(aa) Chico Road reconstruction	
19	in Baker County.....\$	621,083
20	(bb) Chandler Lane reconstruction	
21	in Baker County.....\$	2,427,758
22	(cc) Interstate 84 Spring Creek	
23	climbing lane in	
24	Union County.....\$	5.7 million
25	(dd) Northwest Washington Avenue	
26	in Malheur County.....\$	4.5 million
27	(ee) Pierce Road improvements	
28	in Union County.....\$	5 million
29	(ff) State Highway 82 alternate route	
30	in Wallowa County.....\$	5 million
31	(gg) Westland Road in Umatilla	
32	County.....\$	1.1 million
33	(hh) State Highway 207 and State	
34	Highway 206 intersections.....\$	0.5 million
35	(ii) Vehicle chain-up areas east	
36	of Pendleton on Interstate	
37	84.....\$	4.7 million
38	(jj) Izee-Paulina Highway in	
39	Grant County.....\$	4.5 million
40	(kk) Monroe Street and U.S.	
41	Highway 20 Intersection	
42	in Harney County.....\$	0.9 million

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[(3)(a) When the commission determines that the project described in subsection (2)(e) of this section

1 *is completed, the commission shall reallocate any amount remaining from the allocation made under*
2 *subsection (2)(e) of this section to the project described in subsection (2)(b) of this section.]*

3 *[(b) When the commission determines that the project described in subsection (2)(f) of this section*
4 *is completed, the commission shall reallocate any amount remaining from the allocation made under*
5 *subsection (2)(f) of this section to the project described in subsection (2)(d) of this section.]*

6 *[(c)]* **(3)(a)** When the commission determines that the project described in subsection (2)(a) of this
7 section is completed, the commission shall reallocate any amount remaining from the allocation
8 made under subsection (2)(a) of this section to the project described in subsection (2)(d) of this sec-
9 tion.

10 **(b) Notwithstanding subsection (2) of this section, the commission may reallocate funds**
11 **from the project described in subsection (2)(d) of this section to the project described in**
12 **subsection (2)(f) of this section.**

13 (4) Prior to June 1, 2010, in addition to the projects listed in subsection (2) of this section, if
14 projects are recommended to the Oregon Transportation Commission by the applicable local area
15 commission on transportation after consultation with the local governments listed in this subsection,
16 the Oregon Transportation Commission may also approve and allocate funds to the following local
17 governments for projects approved by the commission in the following amounts:

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19	
20	(a) Baker County\$ 7,051,159
21	(b) Grant County\$ 1.1 million
22	(c) Harney County.....\$ 4.1 million
23	(d) Malheur County.....\$ 5.8 million
24	(e) Union County.....\$ 1.3 million
25	(f) Umatilla County\$ 2.5 million
26	(g) City of Nyssa\$ 1 million
27	(h) City of Heppner.....\$ 3 million
28	(i) City of Milton-Freewater...\$ 3 million
29	(j) City of Ontario\$ 1.2 million
30	(k) Port of Umatilla\$ 4.5 million
31	(L) Port of Morrow.....\$ 10.7 million
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33
34 **SECTION 6. (1) Notwithstanding ORS 367.620 (3)(a) and section 10 (1)(a), chapter 618,**
35 **Oregon Laws 2003, after the Oregon Transportation Commission determines that the projects**
36 **described in section 10 (1)(a), chapter 618, Oregon Laws 2003, are completed, the remaining**
37 **unspent proceeds of the bonds authorized under ORS 367.620 (3)(a) shall be retained by the**
38 **commission and shall be allocated as follows:**

39 **(a) In addition to and not in lieu of any other allocation, the amount of \$10 million shall**
40 **be allocated to the City of Beaverton, which may be expended for the Canyon Road Safety**
41 **and Streetscape Enhancement Project.**

42 **(b) In addition to and not in lieu of any other allocation, the amount of \$10 million shall**
43 **be allocated to Columbia County, which may be expended for the Hermo Road Project near**
44 **Clatskanie, Oregon.**

45 **(c) In addition to and not in lieu of any other allocation, the amount of \$850,000 shall be**

1 allocated to Umatilla County, which may be expended for road improvement projects serving
2 the Eastern Oregon Trade and Event Center.

3 (d) Not earlier than July 1, 2015, and in addition to and not in lieu of any other allocation,
4 the amount of \$5 million shall be allocated for the George Millican Road Project. The com-
5 mission shall allocate the moneys to either the Department of Transportation or to Crook
6 County, depending on which entity has jurisdiction of George Millican Road at the time of
7 the allocation.

8 (2) In addition to and not in lieu of any other allocation, after first allocating moneys for
9 the projects described in subsection (1) of this section, the commission shall allocate all re-
10 maining unspent proceeds of the bonds authorized under ORS 367.620 (3)(a), which the De-
11 partment of Transportation may expend for surface transportation improvement projects on
12 the U.S. Highway 26 Corridor that support industrial development in north Hillsboro by im-
13 proving capacity, connectivity and safety on the highway and that improve associated inter-
14 changes and access to surrounding industrial lands of regional and statewide significance.

15 **SECTION 7.** (1) No later than October 31, 2014, Multnomah County, Washington County
16 and the Department of Transportation shall negotiate for the transfer of jurisdiction of
17 Cornelius Pass Road from the counties to the department in return for the transfer from the
18 department to the counties of jurisdiction of state highways that are located in Multnomah
19 and Washington Counties and that no longer serve a statewide purpose.

20 (2) No later than October 31, 2014, Crook County, Deschutes County and the Department
21 of Transportation shall negotiate for the transfer of jurisdiction of George Millican Road
22 from the counties to the department in return for the transfer from the department to the
23 counties of jurisdiction of state highways that are located in Crook and Deschutes Counties
24 and that no longer serve a statewide purpose.

25 (3) After the transfer of the jurisdiction of Cornelius Pass Road and George Millican Road
26 from the counties to the department, the department shall add these roads to the state
27 highway system, and after the transfer of the jurisdiction of the state highways described in
28 subsections (1) and (2) of this section to the counties, the department shall remove those
29 state highways from the state highway system.

30 **SECTION 8.** The Department of Transportation and each county that negotiates a
31 transfer of jurisdiction under section 7 of this 2014 Act shall report on the transfer to the
32 committees of the Legislative Assembly related to transportation during the 2015 regular
33 session of Seventy-eighth Legislative Assembly.

34 **SECTION 9.** Section 84, chapter 722, Oregon Laws 2013, is amended to read:

35 **Sec. 84.** (1) Notwithstanding section 7, chapter 55, Oregon Laws 2012, and section 2 (6), chapter
36 542, Oregon Laws 2011, in addition to and not in lieu of any other allocation, moneys described in
37 section 7 (2), chapter 55, Oregon Laws 2012, that remain unspent or have not been allocated on July
38 1, 2013, shall be retained by the Department of Transportation and shall be allocated, for the
39 biennium beginning July 1, 2013, as described in subsections (2) to (4) of this section.

40 (2) There is allocated to Multnomah County the amount of \$650,000, which may be expended for
41 project development of the Cornelius Pass Road project.

42 (3) There is allocated to the City of Portland the amount of \$3,600,000, which may be expended
43 for project development and construction of sidewalks and other pedestrian facilities on Southeast
44 136th Avenue from Southeast Division Street to Southeast Foster Road.

45 (4) There is allocated to the Department of Transportation the amount of [\$4,900,000,]:

1 **(a) \$3,000,000**, which may be expended for project development of the Outer Powell Boulevard
2 project in Multnomah County; **and**

3 **(b) \$1,900,000, which may be expended for pedestrian facilities in east Multnomah County**
4 **and north Clackamas County.**

5 (5) Notwithstanding subsections (1) to (4) of this section, the Legislative Assembly intends to
6 provide to Multnomah County additional allocation of moneys in the amount of \$8,500,000, as ori-
7 ginally contemplated in section 7, chapter 55, Oregon Laws 2012, for expenditure for additional
8 project development and construction of Cornelius Pass Road.

9 **SECTION 10.** **(1) The portion of U.S. Highway 26 within the Warm Springs Reservation**
10 **shall be known as the Warm Springs Veterans Memorial Highway.**

11 **(2) The Department of Transportation shall place and maintain suitable markers along**
12 **the highway described in this section that indicate the designation of the highway as the**
13 **Warm Springs Veterans Memorial Highway.**

14 **(3)(a) The department may accept moneys from, and may enter into agreements with,**
15 **veterans groups to create, install and maintain the markers.**

16 **(b) The department may not use public funds for the installation and maintenance of the**
17 **markers.**

18 **SECTION 11.** **This 2014 Act takes effect on the 91st day after the date on which the 2014**
19 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

20