

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4113**

1 In line 2 of the printed bill, after “transportation” insert “; creating new  
2 provisions; amending ORS 383.035, 383.055 and 811.255 and sections 3, 18 and  
3 19, chapter 4, Oregon Laws 2013, and section 7, chapter 705, Oregon Laws  
4 2013; and declaring an emergency”.

5 Delete lines 4 through 8 and insert:

6 **“SECTION 1.** Section 3, chapter 4, Oregon Laws 2013, is amended to read:

7 **“Sec. 3.** (1) As used in this section, ‘Interstate 5 bridge replacement  
8 project’ means the project described in section 2, **chapter 4, Oregon Laws**  
9 **2013** [*of this 2013 Act*].

10 “(2) The total cost of the Interstate 5 bridge replacement project may not  
11 exceed \$3.413 billion after [*the effective date of this 2013 Act.*] **March 12,**  
12 **2013. The total cost of the project, excluding costs associated with**  
13 **improvements to Interstate 5 and the interchange improvements north**  
14 **of the State Route 14 interchange in the State of Washington, may not**  
15 **exceed \$2.9 billion after the effective date of this 2014 Act.**

16 “(3) For the purpose of financing the Interstate 5 bridge replacement  
17 project, the State Treasurer may not have outstanding, at any [*one*] time,  
18 bonds in an amount exceeding \$450 million of net proceeds, plus an amount  
19 determined by the State Treasurer to pay estimated bond-related costs [*of*  
20 *issuance, for the purpose of funding Oregon’s share of the aggregated contri-*  
21 *bution to the project from Oregon and the State of Washington as described*  
22 *in the Final Environmental Impact Statement submitted to the United States*

1 *Government for the project*]. It is the intent of the Legislative Assembly that  
2 moneys from the United States Government or toll revenues be used to di-  
3 rectly fund the project, be used to repay other borrowings for the project or  
4 be pledged alone or with other security to lower the costs of other bor-  
5 rowings for the project.

6 “(4) **Except as provided in section 2 of this 2014 Act**, the Department  
7 of Transportation may not request and the State Treasurer may not issue any  
8 bond to finance the Interstate 5 bridge replacement project unless **all of the**  
9 **following have occurred**:

10 “[*a*) *No later than September 30, 2013, the State of Washington has ap-*  
11 *propriated, authorized or committed sufficient funds to:*]

12 “[*A*) *Satisfy the United States Department of Transportation requirement*  
13 *for a proposed full funding grant agreement application; and]*

14 “[*B*) *Meet the requirements of the finance section included in the project’s*  
15 *Final Environmental Impact Statement published on September 11, 2011, and*  
16 *endorsed by the Federal Transit Administration and the Federal Highway*  
17 *Administration in the record of decision dated December 7, 2011;*]

18 “[*b*)] (a) The United States Department of Transportation has submitted  
19 a full funding grant agreement application **for the project**, in an amount  
20 of at least \$850 million of Federal Transit Administration funds, for [*con-*  
21 *gressional*] review[;] **by the White House Office of Management and**  
22 **Budget.**

23 “(b) **The State of Oregon and the State of Washington have entered**  
24 **into one or more intergovernmental agreements to ensure the State**  
25 **of Oregon’s delivery of the Interstate 5 bridge replacement project and**  
26 **the repayment of all toll-backed borrowings by the State of Oregon,**  
27 **including but not limited to agreements pertaining to:**

28 “(A) **Highway and transit improvements included in the project and**  
29 **the acquisition of all highway rights of way located within the State**  
30 **of Washington necessary for the project;**

1       **“(B) The allocation of responsibilities between the State of Oregon**  
2 **and the State of Washington for the development, design and con-**  
3 **struction of the project; and**

4       **“(C) The rights and responsibilities of the State of Oregon and the**  
5 **State of Washington in the operations and maintenance of the project**  
6 **during and after the period in which all borrowings by the State of**  
7 **Oregon are outstanding.**

8       “(c) The State Treasurer has [*participated in*] **reviewed** and approved the  
9 findings of an investment grade analysis of toll revenues associated with the  
10 project’s application for a loan from the Federal Highway Administration’s  
11 Transportation Infrastructure Finance and Innovation Act program[, *and*  
12 *provided for ongoing financial analysis of the project;*].

13       “(d) The [*State Treasurer*] **Oregon Transportation Commission** has:

14       **“(A) Reviewed and approved a multiyear cost estimate and compre-**  
15 **hensive financing plan for the project[, *after making*] that includes** written  
16 findings that there are **or are expected to be** sources of funds committed  
17 by contract, [*or*] **by law or otherwise** [*obligated that are reasonably expected*  
18 *to be*] available [*and that will*] **to** provide sufficient cash flows to pay the  
19 estimated **capital** costs of the initial phase of the project described in the  
20 full funding grant agreement without revenues from borrowings in addition  
21 to those described in subsection (3) of this section; and

22       **“(B) Provided a copy of the multiyear cost estimate and compre-**  
23 **hensive financing plan described in this paragraph to the State**  
24 **Treasurer.**

25       “(e) The United States Coast Guard has issued a general bridge permit for  
26 the main channel of the Columbia River for the project.

27       **“SECTION 2. (1) As used in this section, ‘Interstate 5 bridge re-**  
28 **placement project’ means the project described in section 2, chapter**  
29 **4, Oregon Laws 2013.**

30       **“(2) For the biennium beginning July 1, 2013, of the bonds described**

1 in section 3 (3), chapter 4, Oregon Laws 2013, at request of the De-  
2 partment of Transportation, the State Treasurer may issue bonds in  
3 an amount of up to \$125 million in net proceeds to pay costs associated  
4 with right of way acquisition, plus an amount determined by the State  
5 Treasurer to pay estimated bond-related costs after:

6 “(a) The Tri-County Metropolitan Transportation District of Oregon  
7 has submitted an application for a full funding grant agreement for  
8 the Interstate 5 bridge replacement project, in an amount of at least  
9 \$850 million, to the Federal Transit Administration of the United  
10 States Department of Transportation; and

11 “(b) The conditions described in section 3 (4)(b), (c) and (e), chapter  
12 4, Oregon Laws 2013, have been satisfied.

13 **“SECTION 3. (1) On or before June 30, 2021, at the request of the**  
14 **Department of Transportation, the State Treasurer may issue revenue**  
15 **bonds in an amount not to exceed \$1.39 billion in net proceeds for the**  
16 **purpose described in section 12, chapter 4, Oregon Laws 2013, plus an**  
17 **amount determined by the State Treasurer to pay estimated bond-**  
18 **related costs.**

19 “(2) Revenue bonds issued and bond-related costs under this section  
20 must be paid only with moneys described in section 13, chapter 4,  
21 Oregon Laws 2013, that are pledged to secure the bonds.

22 “(3) ORS 286A.035 does not apply to bonds issued under this section.

23 “(4)(a) The limit on the amount of bonds authorized by subsection  
24 (1) of this section does not include any short-term or interim bonds  
25 that are redeemed or that are repaid with long-term revenue bonds for  
26 the Interstate 5 bridge replacement project.

27 “(b) The limit on the amount of bonds authorized by subsection (1)  
28 of this section includes the toll-backed revenue bonds authorized un-  
29 der section 2, chapter 705, Oregon Laws 2013.

30 “(5) As used in this section, ‘Interstate 5 bridge replacement

1 **project’ means the project described in section 2, chapter 4, Oregon**  
2 **Laws 2013.**

3 **“SECTION 4.** ORS 383.035 is amended to read:

4 **“383.035. (1) A person shall pay a toll established under ORS 383.004**  
5 **once the Department of Transportation or the department’s agent,**  
6 **vendor or other duly authorized representative issues an invoice for**  
7 **the toll.**

8 **“[(1)] (2) In addition to any other penalty,** a person who fails to pay  
9 **[a] the toll***[, established pursuant to ORS 383.004,]* shall pay to the depart-  
10 *ment [of Transportation]* the amount of the toll, a civil penalty of not more  
11 than \$25 and an administrative fee established by the tollway operator not  
12 to exceed the actual cost of collecting the unpaid toll.

13 **“[(2)] (3) In addition to any other penalty,** the department shall refuse to  
14 renew the motor vehicle registration of the motor vehicle owned by a person  
15 who has not paid the toll, the civil penalty and any administrative fee  
16 charged under this section.

17 **“[(3)] (4) This section does not apply to:**

18 **“(a) A person operating a vehicle owned by a unit of government or the**  
19 **tollway operator;**

20 **“(b) A person who is a member of a category of persons exempted by the**  
21 **Oregon Transportation Commission from paying a toll; or**

22 **“(c) A person who is a member of a category of persons made eligible by**  
23 **the commission for paying a reduced toll, to the extent of the reduction.**

24 **“[(4) Subsection (1) of this section does not apply to a person who fails to**  
25 **pay a toll established under section 8, chapter 4, Oregon Laws 2013.]**

26 **“[(5)(a) Upon receiving a request from the State of Washington, or from the**  
27 **State of Washington’s designee that has contracted with the State of**  
28 **Washington to collect tolls, the department shall provide information to iden-**  
29 **tify registered owners of vehicles who fail to pay a toll established under sec-**  
30 **tion 8, chapter 4, Oregon Laws 2013.]**

1        “[b] If the State of Washington, or the State of Washington’s designee that  
2 has contracted with the State of Washington to collect tolls, gives notice to the  
3 department that a person has not paid a toll established under section 8,  
4 chapter 4, Oregon Laws 2013, or a civil penalty or administrative fee imposed  
5 by reason of failure to pay the toll, the department shall refuse to renew the  
6 Oregon motor vehicle registration of the motor vehicle operated by the person  
7 at the time of the violation.]

8        “[c] The department may renew an Oregon motor vehicle registration of a  
9 person described in paragraph (b) of this subsection upon receipt of a notice  
10 from the State of Washington, or from the State of Washington’s designee,  
11 indicating that all tolls, civil penalties and other administrative fees owed by  
12 the person have been paid.]

13        **“(5) The department shall provide an opportunity for a hearing be-  
14 fore imposing a civil penalty or administrative fee, refusing to renew  
15 a person’s motor vehicle registration under this section or taking  
16 action under section 9 of this 2014 Act. The hearing described in this  
17 subsection shall be conducted by an administrative law judge assigned  
18 by the Office of Administrative Hearings and under rules prescribed  
19 by the Oregon Transportation Commission under ORS 383.055. The  
20 department may authorize the administrative law judge to issue a final  
21 order in any case.**

22        **“SECTION 5. Sections 6 to 9 of this 2014 Act are added to and made  
23 a part of ORS 383.003 to 383.075.**

24        **“SECTION 6. The owner of a vehicle may not operate or knowingly  
25 permit or require the operation of the vehicle on a tollway if the owner  
26 of the vehicle owes a toll for use of that vehicle on that tollway or  
27 owes a civil penalty or administrative fee related to failure to pay the  
28 toll as described in this section.**

29        **“SECTION 7. Violation of section 6 of this 2014 Act is a Class B vi-  
30 olation.**

1       **“SECTION 8. (1) Notwithstanding any other provision of law, a ci-**  
2 **tation for violation of ORS 383.035 or section 6 or 12 of this 2014 Act**  
3 **may be issued on the basis of photographs from a photo enforcement**  
4 **system taken without the presence of a peace officer if the following**  
5 **conditions are met:**

6       **“(a) Signs are posted, so far as is practicable, on all major routes**  
7 **entering the jurisdiction indicating that tolls are enforced through**  
8 **cameras.**

9       **“(b) The citation is mailed by first-class mail, return receipt re-**  
10 **quested, to the registered owner of the vehicle within 10 business days**  
11 **of the alleged violation.**

12       **“(c) The registered owner is given 30 days from the date the citation**  
13 **is mailed to respond to the citation.**

14       **“(d) A peace officer or a toll enforcement officer, designated by the**  
15 **Director of Transportation under subsection (10) of this section, who**  
16 **has reviewed the photograph signs the citation. The citation may be**  
17 **prepared on a digital medium, and the signature may be electronic in**  
18 **accordance with the provisions of ORS 84.001 to 84.061.**

19       **“(2) If the person named as the registered owner of a vehicle in the**  
20 **current records of the Department of Transportation or the motor**  
21 **vehicle registration and licensing authority of another jurisdiction**  
22 **fails to respond to a citation issued under subsection (1) of this sec-**  
23 **tion, a default judgment under ORS 153.102 may be entered for failure**  
24 **to appear after notice has been given that the judgment will be en-**  
25 **tered.**

26       **“(3) In the case of joint ownership of a vehicle, the officer shall**  
27 **mail the traffic citation to the first name appearing on the vehicle**  
28 **registration, unless the first name appearing on the registration is a**  
29 **business organization, in which case the second name appearing on the**  
30 **vehicle registration may be used.**

1       “(4) A rebuttable presumption exists that the registered owner of  
2 the vehicle was the driver of the vehicle when the citation was issued  
3 and delivered as provided in this section.

4       “(5) A person issued a citation under subsection (1) of this section  
5 may respond to the citation by submitting a certificate of nonliability  
6 under subsection (6) of this section or any other response allowed by  
7 law.

8       “(6)(a) A registered owner of a vehicle may respond by mail to a  
9 citation issued under subsection (1) of this section by submitting,  
10 within 30 days from the mailing of the citation, a certificate of nonli-  
11 ability swearing or affirming that the owner was not the driver of the  
12 vehicle and by providing a photocopy of the owner’s driver license. The  
13 certification of nonliability must identify the alleged driver of the ve-  
14 hicle. A court that receives a certificate of nonliability under this  
15 paragraph shall dismiss the citation without requiring a court ap-  
16 pearance by the registered owner or any other information from the  
17 registered owner other than the swearing or affirmation and the pho-  
18 tocopy. The citation may be reissued only once, only to the registered  
19 owner and only if the court verifies that the registered owner appears  
20 to have been the driver at the time of the violation. A registered owner  
21 may not submit a certificate of nonliability in response to a reissued  
22 citation.

23       “(b) If a business or public agency responds to a citation issued  
24 under subsection (1) of this section by submitting, within 30 days from  
25 the mailing of the citation, a certificate of nonliability stating that at  
26 the time of the alleged violation the vehicle was in the custody and  
27 control of an employee or was in the custody and control of a renter  
28 or lessee under the terms of a motor vehicle rental agreement or lease,  
29 and if the business or public agency provides the driver license num-  
30 ber, name and address of the employee, renter or lessee, the citation



1 shall be dismissed with respect to the business or public agency. The  
2 citation may then be reissued and delivered by mail or otherwise to  
3 the employee, renter or lessee identified in the certificate of nonli-  
4 ability.

5 “(7) The penalties for and all consequences of a violation of ORS  
6 383.035 or section 6 or 12 of this 2014 Act initiated by the use of a photo  
7 enforcement system are the same as for a violation initiated by any  
8 other means.

9 “(8) A registered owner or an employee, renter or lessee against  
10 whom a judgment for failure to appear is entered may move the court  
11 to relieve the owner or the employee, renter or lessee from the judg-  
12 ment as provided in ORS 153.105 if the failure to appear was due to  
13 mistake, inadvertence, surprise or excusable neglect.

14 “(9) In the enforcement of ORS 383.035 and sections 6 and 12 of this  
15 2014 Act, the director may appoint toll enforcement officers. The offi-  
16 cers are authorized to issue and service uniform traffic citations, as  
17 provided in ORS chapter 153, for the purpose of enforcing the pro-  
18 visions of ORS 383.035 and sections 6 and 12 of this 2014 Act. The di-  
19 rector shall by rule establish any training or certification  
20 requirements the director deems desirable.

21 “(10) Nothing in this section shall prohibit a peace officer from is-  
22 suing a citation for a violation of ORS 383.035 or section 6 or 12 of this  
23 2014 Act. A citation issued under this section by a toll enforcement  
24 officer shall have the same force and effect as a citation issued by a  
25 peace officer for the same offense.

26 “(11) For the purposes of this section, ‘peace officer’ has the  
27 meaning given that term in ORS 133.005.

28 “SECTION 9. (1) If a final order is issued after a hearing described  
29 in ORS 383.035 (5), the Department of Transportation may, upon writ-  
30 ten notice to the registered owner, immobilize or impound a motor

1 **vehicle that is registered to the person who is subject to the final or-**  
2 **der.**

3 **“(2) The department shall release the vehicle to its owner after the**  
4 **owner pays all moneys owed to the department under ORS 383.035 and**  
5 **subsection (3) of this section.**

6 **“(3) In addition to tolls, civil penalties and administrative fees, the**  
7 **registered owner of the vehicle is liable for the department’s reason-**  
8 **able expenses related to immobilizing, towing, impounding and storing**  
9 **the vehicle.**

10 **“(4) The department shall by rule specify the procedures for notice,**  
11 **immobilization, towing, impoundment, storage, release and disposition**  
12 **of vehicles subject to this section.**

13 **“(5) The department may enter into any combination of contracts**  
14 **or agreements with towing businesses, public bodies or other vendors**  
15 **for the immobilization, towing, impoundment, storage, release and**  
16 **disposition of motor vehicles under this section.**

17 **“SECTION 10.** Section 7, chapter 705, Oregon Laws 2013, is amended to  
18 read:

19 **“Sec. 7. (1) Except as provided in section 2 of this 2014 Act,** the De-  
20 partment of Transportation may not request and the State Treasurer may not  
21 issue any bonds for the Interstate 5 bridge replacement project until the  
22 conditions set forth in section 3 (4), chapter 4, Oregon Laws 2013, have been  
23 satisfied.

24 **“(2) In lieu of the general obligation bonds authorized for the Department**  
25 **of Transportation under section 1 (7), chapter 705, Oregon Laws 2013** [*of*  
26 *this 2013 Act*], the State Treasurer may issue up to \$453,725,000 of revenue  
27 bonds as provided in chapter 4, Oregon Laws 2013. The amount of bonds  
28 authorized under section 1 (7), **chapter 705, Oregon Laws 2013,** [*of this 2013*  
29 *Act*] for the Department of Transportation shall be reduced, and the amount  
30 of bonds authorized under section 2, **chapter 705, Oregon Laws 2013,** [*of*

1 *this 2013 Act*] for the Department of Transportation shall be increased, by  
2 the amount of any revenue bonds issued in lieu of the general obligation  
3 bonds authorized under section 1 (7), **chapter 705, Oregon Laws 2013** [*of*  
4 *this 2013 Act*].

5 **“SECTION 11. Section 12 of this 2014 Act is added to and made a**  
6 **part of ORS chapter 811.**

7 **“SECTION 12. (1) A person commits the offense of failure to pay a**  
8 **toll if:**

9 **“(a) The person is the owner of a motor vehicle and the vehicle is**  
10 **operated on a tollway without a toll being paid for the vehicle; or**

11 **“(b) A person is liable for a toll, civil penalty or administrative fee**  
12 **under ORS 383.035 and the person fails to pay the toll, civil penalty or**  
13 **administrative fee.**

14 **“(2) Subsection (1) does not apply to:**

15 **“(a) A person described in ORS 383.035 (4);**

16 **“(b) An owner whose vehicle is operated on a tollway without the**  
17 **owner’s permission to operate the vehicle;**

18 **“(c) An owner who responds to a citation as provided in section 8**  
19 **(6)(a) of this 2014 Act; or**

20 **“(d) A business or public agency that responds to a citation as**  
21 **provided in section 8 (6)(b) of this 2014 Act.**

22 **“(3) The offense described in this section, failure to pay a toll, is a**  
23 **Class D traffic violation.**

24 **“(4) As used in this section, ‘tollway’ has the meaning given that**  
25 **term in ORS 383.003.**

26 **“SECTION 13. ORS 811.255 is amended to read:**

27 **“811.255. (1) A person who is an owner, lessor or lessee of a motor vehicle**  
28 **or who employs or otherwise directs the driver of a motor vehicle, commits**  
29 **the offense of permitting the unlawful operation of a vehicle if the person**  
30 **knowingly permits or requires the operation of the vehicle in violation of**

1 any of the following:

2 “(a) The rules of the road.

3 “(b) The laws governing equipment of motor vehicles.

4 “(c) The laws governing weight of motor vehicles.

5 “(d) The laws governing operator driving privileges.

6 “(e) The laws governing registration or titling of vehicles.

7 “(f) **The laws governing payment of a toll for use of a tollway, as**  
8 **defined in ORS 383.003.**

9 “(2) The offense described in this section, permitting unlawful operation  
10 of a vehicle, is a Class B traffic violation.

11 “**SECTION 14.** ORS 383.055 is amended to read:

12 “383.055. The Oregon Transportation Commission shall establish a process  
13 by rule for the assessment of unpaid tolls, **the conduct of hearings under**  
14 **ORS 383.035 (5)** and the collection of civil penalties and administrative fees  
15 under ORS 383.035.

16 “**SECTION 15.** Section 19, chapter 4, Oregon Laws 2013, is amended to  
17 read:

18 “**Sec. 19.** (1) As used in this section, ‘Interstate 5 bridge replacement  
19 project’ means the project described in section 2, **chapter 4, Oregon Laws**  
20 **2013** [*of this 2013 Act*].

21 “(2) The Oregon Transportation Commission shall conduct studies and  
22 develop recommendations on each of the following:

23 “(a) Establishing a fund that may be used to address any air quality or  
24 other public health concerns that may impact the communities along the  
25 Interstate 5 corridor from the Fremont Bridge to the Columbia River.

26 “(b) Determining locations in this state to station construction materials  
27 for the Interstate 5 bridge replacement project.

28 “(c) Developing strategies for managing the potential diversion impacts  
29 on Interstate 205 as a result of the Interstate 5 bridge replacement project.

30 “(3) The commission shall present the studies and recommendations to the

1 appropriate interim committees of the Legislative Assembly related to  
2 transportation no later than [September 15, 2014] **January 1, 2015.**

3 **“SECTION 16. (1) The Oregon Transportation Commission shall es-**  
4 **tablish an advisory committee, known as the Mobility Council, to**  
5 **provide input to the Oregon Transportation Commission, transit**  
6 **agencies and the Joint Policy Advisory Committee on Transportation,**  
7 **as described in ORS 391.120 (3)(c), on active management of mobility**  
8 **for all modes of transportation using the Interstate 5 and Interstate**  
9 **205 bridges, including management of potential traffic diversion on**  
10 **Interstate 205.**

11 **“(2) The commission shall periodically consult with the Mobility**  
12 **Council before, during and after the construction of the Interstate 5**  
13 **bridge replacement project.**

14 **“(3) The commission shall appoint members of the Mobility Council**  
15 **and the members shall serve at the pleasure of the commission. The**  
16 **commission shall appoint members to the Mobility Council who rep-**  
17 **resent the interests of Interstate 5 and Interstate 205 users and busi-**  
18 **nesses and members who represent those impacted by the diversion**  
19 **of traffic to Interstate 205 as a result of the Interstate 5 bridge re-**  
20 **placement project.**

21 **“(4) The members of the Mobility Council shall serve without com-**  
22 **pensation or reimbursement of expenses for services performed.**

23 **“(5) As used in this section, ‘Interstate 5 bridge replacement**  
24 **project’ means the project described in section 2, chapter 4, Oregon**  
25 **Laws 2013.**

26 **“SECTION 17. Section 18, chapter 4, Oregon Laws 2013, is amended to**  
27 **read:**

28 **“Sec. 18. (1) As used in this section, ‘Interstate 5 bridge replacement**  
29 **project’ means the project described in section 2, chapter 4, Oregon Laws**  
30 **2013 [of this 2013 Act].**

1       “(2)(a) The Department of Transportation shall require, in accordance  
2 with 23 C.F.R. 635.410 **or 49 C.F.R. 661, as applicable**, that in each public  
3 contract that the department awards to a contractor in connection with the  
4 Interstate 5 bridge replacement project that steel, iron, coatings for steel and  
5 iron and manufactured products that the contractor purchases for the Inter-  
6 state 5 bridge replacement project and that become part of a permanent  
7 structure must be produced in the United States.

8       “(b)(A) The requirement set forth in paragraph (a) of this subsection does  
9 not apply if the Secretary of the United States Department of Transporta-  
10 tion, or the secretary’s designee, finds that:

11       “(i) The requirement is inconsistent with the public interest;

12       “(ii) Steel, iron, coatings for steel and iron and manufactured products  
13 required for the Interstate 5 bridge replacement project are not produced in  
14 the United States in sufficient and reasonably available quantities and with  
15 satisfactory quality; or

16       “(iii) The requirement set forth in paragraph (a) of this subsection will  
17 increase the construction and related costs of the Interstate 5 bridge re-  
18 placement project, exclusive of labor costs involved in final assembly for  
19 manufactured products, by 25 percent or more.

20       “(B) At the earliest practicable time, the department shall give notice of  
21 any waiver that the Secretary of the United States Department of Trans-  
22 portation grants. The department shall give the notice by means of the same  
23 methods the department used to advertise procurements for the Interstate 5  
24 bridge replacement project, or by other means reasonably suited to notifying  
25 contractors and subcontractors of the waiver.

26       “(c)(A) Notwithstanding a finding from the Secretary of the United States  
27 Department of Transportation under paragraph (b)(A) of this subsection, a  
28 contractor shall spend at least 75 percent of the total amount the contractor  
29 spends in connection with the Interstate 5 bridge replacement project on  
30 steel, iron, coatings for steel and iron and manufactured products that be-

1 come part of a permanent structure to purchase steel, iron, coatings for steel  
2 and iron and manufactured products that are produced in the United States.

3 “(B) The Director of Transportation may waive the requirement set forth  
4 in subparagraph (A) of this paragraph if the director finds that the require-  
5 ment will increase the cost of a contract the department awards in con-  
6 nection with the Interstate 5 bridge replacement project by 25 percent or  
7 more, that steel, iron, coatings for steel and iron or manufactured products  
8 are not produced in the United States in sufficient and reasonable quantities  
9 and with satisfactory quality to meet the requirement or that the require-  
10 ment violates regulations promulgated by the Federal Highway Adminis-  
11 tration of the United States Department of Transportation **or by the**  
12 **Federal Transit Administration of the United States Department of**  
13 **Transportation.**

14 “(d) The requirements set forth in this subsection are subject to applica-  
15 ble state and federal trade agreements.

16 “(3)(a) The department, in awarding public contracts in connection with  
17 the Interstate 5 bridge replacement project, shall seek to the extent permis-  
18 sible under law, and in compliance with the provisions of 49 C.F.R. part 26,  
19 as in effect on [*the effective date of this 2013 Act*] **March 12, 2013**, to:

20 “(A) Ensure nondiscrimination in awarding public contracts;

21 “(B) Remove barriers that prevent disadvantaged business enterprises  
22 from obtaining public contracts;

23 “(C) Create conditions under which disadvantaged business enterprises  
24 may compete fairly for public contracts; and

25 “(D) Otherwise seek to implement the policies set forth in ORS 279A.100,  
26 279A.105 and 279A.110.

27 “(b)(A) The Director of Transportation, in consultation with the Advocate  
28 for Minority, Women and Emerging Small Business, with disadvantaged,  
29 minority, women or emerging small business enterprises certified under ORS  
30 200.055, with contractors and with other knowledgeable persons, shall pre-

1 pare a plan for complying with the requirements described in paragraph (a)  
2 of this subsection and shall deliver the plan not later than January 1, 2014,  
3 to an interim committee of the Legislative Assembly with oversight over  
4 transportation issues. The plan must include a process for:

5 “(i) Identifying opportunities for disadvantaged, minority, women or  
6 emerging small business enterprises certified under ORS 200.055 to  
7 competitively bid for subcontracts and for disadvantaged, minority, women  
8 or emerging small business enterprises to build the capacity necessary to bid  
9 for larger contracts; and

10 “(ii) Identifying opportunities to create and foster mentoring relationships  
11 between contractors and subcontractors with extensive experience in per-  
12 forming public contracts and disadvantaged, minority, women or emerging  
13 small businesses that are certified under ORS 200.055.

14 “(B) The director, in accordance with ORS chapter 183, shall adopt rules  
15 that incorporate the plan and that have an effective date that is not earlier  
16 than July 1, 2014.

17 “(4)(a) As used in this subsection:

18 “(A) ‘Apprentice’ has the meaning given that term in ORS 660.010.

19 “(B) ‘Local joint committee’ has the meaning given that term in ORS  
20 660.010.

21 “(C) ‘Program’ has the meaning given that term in ORS 660.010.

22 “(b) The department shall provide in each public **improvement** contract  
23 that the department awards to a contractor in connection with the Interstate  
24 5 bridge replacement project that apprentices employed in a program that a  
25 local joint committee has approved under ORS 660.002 to 660.210 and that  
26 has existed for at least two years must perform at least 10 percent of all  
27 **apprenticeable** work hours performed under the public **improvement** con-  
28 tract. The department shall also require contractors to provide in each of the  
29 contractor’s subcontracts that apprentices with the qualifications specified  
30 in this paragraph must perform at least 10 percent of the **apprenticeable**



1 work hours performed under the subcontract.

2 “(c) Paragraph (b) of this subsection does not apply to a **public im-**  
3 **provement** contract or subcontract with a contract price that is less than  
4 \$250,000.

5 “(5) The department shall provide in public contracts that the department  
6 awards to a contractor in connection with the Interstate 5 bridge replace-  
7 ment project that:

8 “(a) Each contractor is subject to the same standards and restrictions set  
9 forth in federal law or the laws of this state that apply to the entire Inter-  
10 state 5 bridge replacement project; and

11 “(b) Each contractor’s own contracts with subcontractors must provide  
12 that each subcontractor is subject to the same standards and restrictions set  
13 forth in federal law or the laws of this state that apply to the entire Inter-  
14 state 5 bridge replacement project.

15 “(6) The department shall develop goals for specifying types of work and  
16 contract prices for **public improvement** contracts that are awarded in con-  
17 nection with the Interstate 5 bridge replacement project so as to maximize  
18 economic development opportunities for small businesses. The department  
19 shall deliver a plan to achieve the goals not later than January 1, 2014, to  
20 an interim committee of the Legislative Assembly with oversight over  
21 transportation issues.

22 “(7) The department by rule shall establish a procedure that the depart-  
23 ment will follow to resolve disputes between the States of Oregon and  
24 Washington with respect to the Interstate 5 bridge replacement project.

25 **“SECTION 18. This 2014 Act being necessary for the immediate**  
26 **preservation of the public peace, health and safety, an emergency is**  
27 **declared to exist, and this 2014 Act takes effect on its passage.”.**

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