

**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 and 19,
3 chapter 4, Oregon Laws 2013, and section 7, chapter 705, Oregon Laws 2013;
4 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 **general obligation** bonds in an amount exceeding \$450 million of net pro-
19 ceeds, plus an amount determined by the State Treasurer to pay estimated
20 bond-related costs [*of issuance, for the purpose of funding Oregon’s share of*
21 *the aggregated contribution to the project from Oregon and the State of*
22 *Washington as described in the Final Environmental Impact Statement sub-*

1 *mitted to the United States Government for the project*]. It is the intent of the
2 Legislative Assembly that moneys from the United States Government or toll
3 revenues be used to directly fund the project, be used to repay other bor-
4 rowings for the project or be pledged alone or with other security to lower
5 the costs of other borrowings 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 allocation of 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 **“(C) No later than October 1, 2014, approved a management plan for**
26 **the project that describes how the Department of Transportation will:**

27 **“(i) Oversee and deliver the project;**

28 **“(ii) Develop a financial management system;**

29 **“(iii) Implement decision-making structures and internal depart-**
30 **ment capabilities;**

1 “(iv) Provide transparent reporting mechanisms that describe the
2 project’s progress; and

3 “(v) Engage third-party oversight by a quality assurance firm.

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

6 “**SECTION 2.** (1) As used in this section, ‘Interstate 5 bridge re-
7 placement project’ means the project described in section 2, chapter
8 4, Oregon Laws 2013.

9 “(2) For the biennium beginning July 1, 2013, of the bonds described
10 in section 3 (3), chapter 4, Oregon Laws 2013, at request of the De-
11 partment of Transportation, the State Treasurer may issue general
12 obligation bonds in an amount of up to \$125 million in net proceeds to
13 pay costs associated with right of way acquisition, plus an amount
14 determined by the State Treasurer to pay estimated bond-related costs
15 after:

16 “(a) The Tri-County Metropolitan Transportation District of Oregon
17 has submitted an application for a full funding grant agreement for
18 the Interstate 5 bridge replacement project, in an amount of at least
19 \$850 million, to the Federal Transit Administration of the United
20 States Department of Transportation; and

21 “(b) The conditions described in section 3 (4)(b), (c) and (e), chapter
22 4, Oregon Laws 2013, have been satisfied.

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

24 “383.035. (1) A person shall pay a toll established under ORS 383.004
25 once the Department of Transportation or the department’s agent,
26 vendor or other duly authorized representative issues an invoice for
27 the toll.

28 “[(1)] (2) In addition to any other penalty, a person who fails to pay
29 [a] the toll[, established pursuant to ORS 383.004,] shall pay to the depart-
30 ment [of Transportation] the amount of the toll, a civil penalty of not more

1 than \$25 and an administrative fee established by the tollway operator not
2 to exceed the actual cost of collecting the unpaid toll.

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

7 “[3] (4) This section does not apply to:

8 “(a) A person operating a vehicle owned by a unit of government or the
9 tollway operator;

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

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

14 “[4] *Subsection (1) of this section does not apply to a person who fails to*
15 *pay a toll established under section 8, chapter 4, Oregon Laws 2013.]*

16 “[5](a) *Upon receiving a request from the State of Washington, or from the*
17 *State of Washington’s designee that has contracted with the State of*
18 *Washington to collect tolls, the department shall provide information to iden-*
19 *tify registered owners of vehicles who fail to pay a toll established under sec-*
20 *tion 8, chapter 4, Oregon Laws 2013.]*

21 “[b) *If the State of Washington, or the State of Washington’s designee that*
22 *has contracted with the State of Washington to collect tolls, gives notice to the*
23 *department that a person has not paid a toll established under section 8,*
24 *chapter 4, Oregon Laws 2013, or a civil penalty or administrative fee imposed*
25 *by reason of failure to pay the toll, the department shall refuse to renew the*
26 *Oregon motor vehicle registration of the motor vehicle operated by the person*
27 *at the time of the violation.]*

28 “[c) *The department may renew an Oregon motor vehicle registration of a*
29 *person described in paragraph (b) of this subsection upon receipt of a notice*
30 *from the State of Washington, or from the State of Washington’s designee,*

1 *indicating that all tolls, civil penalties and other administrative fees owed by*
2 *the person have been paid.]*

3 **“(5) The department shall provide an opportunity for a hearing be-**
4 **fore imposing a civil penalty or administrative fee, refusing to renew**
5 **a person’s motor vehicle registration under this section or taking**
6 **action under section 8 of this 2014 Act. The hearing described in this**
7 **subsection shall be conducted by an administrative law judge assigned**
8 **by the Office of Administrative Hearings and under rules prescribed**
9 **by the Oregon Transportation Commission under ORS 383.055. The**
10 **department may authorize the administrative law judge to issue a final**
11 **order in any case.**

12 **“SECTION 4. Sections 5 to 8 of this 2014 Act are added to and made**
13 **a part of ORS 383.003 to 383.075.**

14 **“SECTION 5. The owner of a vehicle may not operate or knowingly**
15 **permit or require the operation of the vehicle on a tollway if the owner**
16 **of the vehicle owes a toll for use of that vehicle on that tollway or**
17 **owes a civil penalty or administrative fee related to failure to pay the**
18 **toll as described in this section.**

19 **“SECTION 6. Violation of section 5 of this 2014 Act is a Class B vi-**
20 **olation.**

21 **“SECTION 7. (1) Notwithstanding any other provision of law, a ci-**
22 **tation for violation of section 5 or 12 of this 2014 Act may be issued**
23 **on the basis of photographs from a photo enforcement system taken**
24 **without the presence of a peace officer if the following conditions are**
25 **met:**

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

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

1 of the alleged violation.

2 “(c) The registered owner is given 30 days from the date the citation
3 is mailed to respond to the citation.

4 “(d) A peace officer or a toll enforcement officer, appointed by the
5 Director of Transportation under subsection (9) of this section, who
6 has reviewed the photograph signs the citation. The citation may be
7 prepared on a digital medium, and the signature may be electronic in
8 accordance with the provisions of ORS 84.001 to 84.061.

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

16 “(3) In the case of joint ownership of a vehicle, the officer shall
17 mail the traffic citation to the first name appearing on the vehicle
18 registration, unless the first name appearing on the registration is a
19 business organization, in which case the second name appearing on the
20 vehicle registration may be used.

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

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

28 “(6)(a) A registered owner of a vehicle may respond by mail to a
29 citation issued under subsection (1) of this section by submitting,
30 within 30 days from the mailing of the citation, a certificate of nonli-

1 ability swearing or affirming that the owner was not the driver of the
2 vehicle and by providing a photocopy of the owner's driver license. The
3 certification of nonliability must identify the alleged driver of the ve-
4 hicle. A court that receives a certificate of nonliability under this
5 paragraph shall dismiss the citation without requiring a court ap-
6 pearance by the registered owner or any other information from the
7 registered owner other than the swearing or affirmation and the pho-
8 tocopy. The citation may be reissued only once, only to the registered
9 owner and only if the court verifies that the registered owner appears
10 to have been the driver at the time of the violation. A registered owner
11 may not submit a certificate of nonliability in response to a reissued
12 citation.

13 “(b) If a business or public agency responds to a citation issued
14 under subsection (1) of this section by submitting, within 30 days from
15 the mailing of the citation, a certificate of nonliability stating that at
16 the time of the alleged violation the vehicle was in the custody and
17 control of an employee or was in the custody and control of a renter
18 or lessee under the terms of a motor vehicle rental agreement or lease,
19 and if the business or public agency provides the driver license num-
20 ber, name and address of the employee, renter or lessee, the citation
21 shall be dismissed with respect to the business or public agency. The
22 citation may then be reissued and delivered by mail or otherwise to
23 the employee, renter or lessee identified in the certificate of nonli-
24 ability.

25 “(7) The penalties for and all consequences of a violation of section
26 5 or 12 of this 2014 Act initiated by the use of a photo enforcement
27 system are the same as for a violation initiated by any other means.

28 “(8) A registered owner or an employee, renter or lessee against
29 whom a judgment for failure to appear is entered may move the court
30 to relieve the owner or the employee, renter or lessee from the judg-

1 ment as provided in ORS 153.105 if the failure to appear was due to
2 mistake, inadvertence, surprise or excusable neglect.

3 “(9) In the enforcement of sections 5 and 12 of this 2014 Act, the
4 director may appoint toll enforcement officers. The officers are au-
5 thorized to issue and serve uniform traffic citations, as provided in
6 ORS chapter 153, for the purpose of enforcing the provisions of
7 sections 5 and 12 of this 2014 Act. The director shall by rule establish
8 any training or certification requirements the director deems desira-
9 ble.

10 “(10) Nothing in this section shall prohibit a peace officer from is-
11 suing a citation for a violation of section 5 or 12 of this 2014 Act. A
12 citation issued under this section by a toll enforcement officer shall
13 have the same force and effect as a citation issued by a peace officer
14 for the same offense.

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

17 **“SECTION 8. (1) If a final order is issued after a hearing described**
18 **in ORS 383.035 (5), the Department of Transportation may, upon writ-**
19 **ten notice to the registered owner, immobilize or impound a motor**
20 **vehicle that is registered to the person who is subject to the final or-**
21 **der.**

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

25 “(3) In addition to tolls, civil penalties and administrative fees, the
26 registered owner of the vehicle is liable for the department’s reason-
27 able expenses related to immobilizing, towing, impounding and storing
28 the vehicle.

29 “(4) The department shall by rule specify the procedures for notice,
30 immobilization, towing, impoundment, storage, release and disposition

1 of vehicles subject to this section.

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

6 **“SECTION 9.** The Department of Transportation shall seek to se-
7 cure an intergovernmental agreement with the State of Washington
8 under which the State of Washington would assist the State of Oregon
9 in the collection of tolls from users of the existing Interstate 5 bridge
10 and the new, replacement highway spans, both prior to and upon
11 completion of the construction of the Interstate 5 bridge replacement
12 project described in section 2, chapter 4, Oregon Laws 2013. The
13 agreement must provide for the following:

14 “(1) The mutual enforcement of toll violations;

15 “(2) The exchange of information necessary to facilitate the de-
16 tection and identification of motor vehicles and drivers in violation
17 of each state’s tolling laws and rules; and

18 “(3) A plan for monitoring the effectiveness of the enforcement
19 methods used and ensuring compliance with the terms of the agree-
20 ment.

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

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

28 “(2) In lieu of the general obligation bonds authorized for the Department
29 of Transportation under section 1 (7), **chapter 705, Oregon Laws 2013** [*of*
30 *this 2013 Act*], the State Treasurer may issue up to \$453,725,000 of revenue

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

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

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

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

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

18 **“(2) Subsection (1) of this section does not apply to:**

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

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

22 **“(c) An owner who responds to a citation as provided in section 7**
23 **(6)(a) of this 2014 Act; or**

24 **“(d) A business or public agency that responds to a citation as**
25 **provided in section 7 (6)(b) of this 2014 Act.**

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

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

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

1 “811.255. (1) A person who is an owner, lessor or lessee of a motor vehicle
2 or who employs or otherwise directs the driver of a motor vehicle, commits
3 the offense of permitting the unlawful operation of a vehicle if the person
4 knowingly permits or requires the operation of the vehicle in violation of
5 any of the following:

6 “(a) The rules of the road.

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

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

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

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

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

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

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

16 “383.055. The Oregon Transportation Commission shall establish a process
17 by rule for the assessment of unpaid tolls, **the conduct of hearings under**
18 **ORS 383.035 (5)** and the collection of civil penalties and administrative fees
19 under ORS 383.035.

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

22 “**Sec. 19.** (1) As used in this section, ‘Interstate 5 bridge replacement
23 project’ means the project described in section 2, **chapter 4, Oregon Laws**
24 **2013** [*of this 2013 Act*].

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

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

30 “[*(b) Determining locations in this state to station construction materials*”

1 *for the Interstate 5 bridge replacement project.]*

2 **“(b) Identifying and assessing the suitability of locations in this**
3 **state, including the Port of Morrow and the Port of St. Helens, that**
4 **would be appropriate for stationing construction materials for the**
5 **Interstate 5 bridge replacement project.**

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

8 **“(3) The commission shall present the studies and recommendations to the**
9 **appropriate interim committees of the Legislative Assembly related to**
10 **transportation no later than [September 15, 2014] January 1, 2015.**

11 **“SECTION 16. (1) The Oregon Transportation Commission shall es-**
12 **tablish an advisory committee, known as the Mobility Council, to**
13 **provide input to the Oregon Transportation Commission, transit**
14 **agencies and the Joint Policy Advisory Committee on Transportation,**
15 **as described in ORS 391.120 (3)(c), on active management of mobility**
16 **for all modes of transportation using the Interstate 5 and Interstate**
17 **205 bridges, including management of potential traffic diversion on**
18 **Interstate 205.**

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

22 **“(3) The commission shall appoint members of the Mobility Council**
23 **and the members shall serve at the pleasure of the commission. The**
24 **commission shall appoint members to the Mobility Council who rep-**
25 **resent the interests of Interstate 5 and Interstate 205 users and busi-**
26 **nesses and members who represent those impacted by the diversion**
27 **of traffic to Interstate 205 as a result of the Interstate 5 bridge re-**
28 **placement project.**

29 **“(4) The members of the Mobility Council shall serve without com-**
30 **ensation or reimbursement of expenses for services performed.**

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

4 “SECTION 17. Every bridge that passes over a river or body of wa-
5 ter forming a boundary between this state and another state, and that
6 has been constructed or acquired and is being operated by the other
7 state or by any county, city or other municipality of the other state,
8 shall, together with its approaches, be exempt from all property and
9 other taxes in this state, if the other state exempts from all taxation
10 every such interstate bridge, together with its approaches, constructed
11 or acquired and operated by this state or by any county, city or other
12 municipality of this state.

13 “SECTION 18. Section 17 of this 2014 Act is operative retroactively
14 to January 1, 2008, and the operation and effect of section 17 of this
15 2014 Act shall continue unaffected from January 1, 2008, to the effec-
16 tive date of this 2014 Act and thereafter. Any otherwise lawful action
17 taken or otherwise lawful obligation incurred under authority of sec-
18 tion 17 of this 2014 Act after January 1, 2008, and before the effective
19 date of this 2014 Act is ratified and approved.

20 “SECTION 19. This 2014 Act being necessary for the immediate
21 preservation of the public peace, health and safety, an emergency is
22 declared to exist, and this 2014 Act takes effect on its passage.”.

23 _____