



Oregon

Kate Brown, Governor

Department of Transportation

Director's Office

355 Capitol St. NE, MS 11

Salem, OR 97301

DATE: May 13, 2019

TO: Joint Committee on Transportation

FROM: Kris Strickler, Highway Division Administrator

SUBJECT: HB 2846(-1) – Jurisdictional Transfers

INTRODUCTION

House Bill 2846(-1) requires the Oregon Transportation Commission (OTC) to conduct an evaluation of highways that are suitable candidates for jurisdictional transfer. The measure directs the OTC to identify and prioritize these corridors, outlines the criteria that must be evaluated, and requires the OTC report back to the Legislature by September 2020. The measure requires the analysis examine candidates in five named regions and notes that the OTC must collaborate with Metropolitan Planning Organizations, counties, and cities. The measure stipulates that the OTC will explore co-management of highways and will develop guidance on co-management of roadways suitable for jurisdictional transfer. Further, the measure establishes the Oregon Highway Jurisdictional Transfer Fund within the State Highway Fund.

DISCUSSION

House Bill 2846(-1) aims to identify highways that would benefit from a jurisdictional transfer in order to match the road use profile with the proper road authority. ODOT recognizes the importance of having road decisions made by the proper road authority; roads functioning as local roads should be governed and operated by a local jurisdiction, while Interstates and other significant state corridors should be governed and operated by ODOT. As of April 2019, ODOT has 23 open jurisdictional transfers across the state in negotiation or awaiting formal Commission approval. During the 2017 session, the Legislature, through HB 2017, directed seven jurisdictional transfers; three of these transfers are complete.

Jurisdictional transfers are conducted regularly between ODOT and local jurisdictions; in calendar years 2017 and 2018, seven corridors across the state were transferred to better match investment and management decisions with the proper road authority. For the majority of these transfers, a project or other immediate, planned action presented an opportunity for partnership to facilitate the transfer. Along with transfer of facility ownership, ODOT often provides funding or makes improvements for each corridor.

ODOT appreciates the value in conducting a deeper level of analysis than has previously been performed, including proactive planning at a regional level. However, planning absent funds to support transfers is unlikely to lead to significant progress transferring corridors across the state. Though HB 2846 establishes a separate fund to support transfers, the bill does not identify an ongoing or interim revenue stream.

With existing resources and under OTC and Legislative investment strategies, ODOT prioritizes operation, maintenance, and preservation of the highway system; upgrading and expanding the highway system is a secondary priority. Within these overall allocations, ODOT focuses funding on Interstate routes and roadways of statewide significance.

Successful jurisdictional transfers require planning, funding, and ultimate agreement between two entities. A high-level, statewide planning effort would provide value but is not alone sufficient for programmatic transfer of corridors across the state.

ODOT appreciates the bill proponents' work and offers the following for consideration:

- The OTC is not the proper body to conduct this work; the Legislature should consider directing ODOT to perform this analysis;
- The level of analysis directed is greater than necessary for a planning exercise (see Sec. 1(1)(a)-(j)); the Legislature should consider a statewide planning effort and not a specific analysis for each corridor/transfer candidate;
- The five regions described do not correspond to ODOT regions; the Legislature should correspond any regional-level planning with ODOT Highway Regions;
- Co-management is an undefined term that raises questions of liability, investment, and management responsibility; (see ORS 801.455 for definition of "road authority"); and
- Funding for the detailed analysis and future jurisdictional transfers is not identified.

SUMMARY

House Bill 2846(-1) directs the OTC to conduct a thorough evaluation of highways suitable for jurisdictional transfer. ODOT welcomes the opportunity to engage in a high-level, statewide planning exercise to identify candidates for jurisdictional transfer and looks forward to further refining the scope of HB 2846(-1) to clarify the level and detail of statewide planning.

Please feel free to reach out to me with any additional questions.