



# Oregon

Kate Brown, Governor

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**DATE:** February 11, 2020

**TO:** Joint Committee on Transportation

**FROM:** Lindsay Baker, Assistant Director

**SUBJECT:** HB 4036 – Transportation Omnibus

Dear Co-Chairs Beyer and McKeown and members of the Joint Committee on Transportation,

Thank you for the opportunity to provide information and context regarding House Bill 4036 (transportation omnibus) and several amendments drafted to date.

### ODOT-requested technical changes/corrections

- **Section 8 (HB 4036 introduced): Bridge and Pavement Reporting Date.** Sec 11(2)(5) of HB 2017 requires local governments to report their bridge and pavement conditions to ODOT. Section 8 extends the reporting period from April 1 of each odd-numbered year to June 1 of each odd-numbered year to better align with federal reporting requirements and ensure information reported reflects a similar “snapshot” in time.
- **Sections 9, 10, 11, 12, 13, 25 (HB 4036 introduced): Aligns railroad and train language.** Eliminates outdated term “icing” from statutes regulating railroads. Removes statutory references pre-empted by federal law. Eliminates reference to “caboose.” Clarifies requirement for fire extinguishers. Allows railroads to apply for temporary exemption. Deletes outdated date reference.
- **Section 26 (HB 4036 introduced): Repeals obsolete statutes.** Repeals inoperative research program and outdated train language.
- **Section 14 (-14 amendment): Federal Odometer Disclosure Requirement.** Aligns Oregon statute with federal law regarding temporal requirements of odometer disclosure; provides ODOT rulemaking authority to align with federal law going forward.
- **Section 1i & 1m (-14 amendment): Totaled Vehicle Plate Transfer.** HB 2576 (2019) allows for vehicle plates and remaining registration to be transferred to another vehicle in the event of a total loss. These changes make updates to statute to align with the intent of HB 2576.
- **Section 1k & 1L (-14 amendment): Use Tax Emblem.** HB 2592 (2019) inadvertently eliminated reference to “user’s emblem,” when eliminating the use of Motor Carrier’s paper weight receipt. User emblems are used by ODOT Fuels Tax to indicate exception to paying Oregon’s fuels tax. These changes reinstate reference to “user’s emblem.”

- **Section In & Io (-14 amendment): Local Fuels Tax Collection.** ORS 319.950 authorizes a city, county, or local government to enact a local fuels tax. The statutory changes in the (-14) amendment provide ODOT explicit authority to collect local fuels taxes on their behalf; the amendment makes this express authority retroactive to January 1, 1977 to ensure existing agreements remain valid.

#### **ODOT-requested substantive changes**

- **Section 17 (HB 4036 introduced): Class C Out-of-State Knowledge Test Waiver.** Amends ORS 807.072 to allow ODOT to waive knowledge tests for applicants of Class C driver licenses that hold a valid, out-of-state driver license.
- **Section 27-28 (HB 4036 introduced): Repeals Elderly and Disabled Transportation Fund.** Repeals provisions related to the Elderly and Disabled Transportation Fund and transfers money from that Fund to the Statewide Transportation Improvement Fund (STIF). This change implements a recommendation from the interim Consolidation Advisory Committee process regarding consolidation of two public transportation programs.
- **Section 29-38 (HB 4036 introduced): Consolidation of STF and STIF Programs.** Allows STIF moneys to be used to maintain existing public transportation services, and specifies that STIF moneys may not be used to supplant local and regional agency moneys directed to public transportation service providers. It also allows use of STIF moneys to support program oversight and management, fund projects of statewide significance, and manage the operation of public transportation services. Additionally, the language dedicates a certain percentage of formula distributions to transit services for older adults and individuals with disabilities; provides each qualified entity no less than \$100,000 per year; and authorizes the Oregon Transportation Commission to adjust the actual amount depending on the rate of growth in the STIF.
- **Section 16 (HB 4036 introduced; -14 amendment): Park Model Recreational Vehicles.** Amends ORS 803.210 to exempt park model recreational vehicles from VIN inspections during title transactions. This change aligns with past practice when DMV formerly titled “manufactured structures.”
- **Section 1a – 1h (-14 amendment): Disabled Person Parking Permits.** Disconnects the validity of a disabled person parking permit from a driver license, driver permit, identification card, or parking identification card. Current law requires the invalidation of a disabled person parking permit if action is taken against a person’s driver license, driver permit, identification card, or parking identification; forcing a person to purchase a disabled person parking permit when their credential is reinstated.

#### **-6 Amendments – Traffic Control Devices**

ODOT welcomes language that adds clarity around traffic control devices such as flashing yellow

beacons by adding new language to ORS 811.260. The language in the -6 amendment mirrors the language in the Manual on Uniform Traffic Control Devices (MUTCD) adopted by Oregon Revised Statute and Oregon Administrative Rule for flashing yellow beacons. ODOT recommends further clarifying ORS 811.260 by amending ORS 811.260 (12) to mirror the current language for flashing circular yellow signal contained in the MUTCD.

### **-7 Amendments – Motor Carrier Education Requirements**

ODOT shares the goals of modernizing and updating the Motor Carrier education requirements in ORS Chapter 825. ODOT urges the committee's consideration of two items:

- Delayed operative date of January 1, 2021, to allow time for rulemaking and program changes;
- The appropriate entity for revenue collection. Current law places a number of requirements on a third party that collects fees on behalf of state agencies, as well as requirements on those agencies to monitor the entity's compliance. Authorizing the department to collect the fees directly rather than through a third party removes a layer of complexity and streamlines the process.

ODOT appreciates the committee's consideration of the items above and looks forward to continued partnership with the Legislature and interested stakeholders. Please reach out to me with additional questions.