

House Bill 3085

Sponsored by Representative NOSSE (at the request of Doug Allen)

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 **as introduced**.

Directs Oregon Transportation Commission to implement variable time-of-day pilot program as part of traffic congestion relief program.

Directs Department of Transportation to submit reports on progress and outcome of pilot program to Joint Committee on Transportation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to variable time-of-day pricing; creating new provisions; amending ORS 383.003; and pre-
3 scribing an effective date.

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

5 **SECTION 1. Section 2 of this 2021 Act and ORS 383.150 and 383.155 are added to and made**
6 **a part of ORS 383.003 to 383.075.**

7 **SECTION 2. (1) As used in this section, "limited access highway" means:**

8 (a) **A state highway that is part of the National System of Interstate and Defense High-**
9 **ways established pursuant to 23 U.S.C. 103(c);**

10 (b) **U.S. Highway 26 beginning at its intersection with Interstate 405 and ending at its**
11 **intersection with Glencoe Road; or**

12 (c) **State Highway 217 beginning at its intersection with U.S. Highway 26 and ending at**
13 **its intersection with Interstate 5.**

14 (2) **The Oregon Transportation Commission shall implement a variable time-of-day pilot**
15 **program as part of the traffic congestion relief program established under ORS 383.150. The**
16 **pilot program is intended to rapidly implement variable time-of-day pricing on limited access**
17 **highway on-ramps in the Portland metropolitan area where ramp metering alone is insuffi-**
18 **cient to prevent excessive traffic congestion. The goal of the variable time-of-day pricing is**
19 **to improve traffic flow while minimizing the potential harmful economic and environmental**
20 **impacts of assessing a toll under this section.**

21 (3) **No later than January 1, 2022, the commission shall seek any necessary approval from**
22 **the Federal Highway Administration, if required by federal law, to implement variable time-**
23 **of-day pricing as described in this section.**

24 (4) **No later than September 1, 2022, after seeking and receiving any necessary approval**
25 **from the Federal Highway Administration, the commission shall begin assessing tolls and**
26 **implementing variable time-of-day pricing as described in this section. Tolls shall be assessed**
27 **on at least one limited access highway on-ramp in the Portland metropolitan area.**

28 (5) **In addition to assessing a toll on at least one on-ramp under subsection (4) of this**
29 **section, no later than March 1, 2023, the commission shall begin assessing tolls on at least**
30 **five more limited access highway on-ramps in the Portland metropolitan area.**

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 (6) A person is required to pay a toll established under this section. Notwithstanding ORS
 2 383.035, the commission may not impose a civil penalty or refuse to renew the motor vehicle
 3 registration of a motor vehicle when the registered owner of the motor vehicle has not paid
 4 the toll. The commission may impose an administrative fee to cover the costs of collecting
 5 the toll.

6 (7) Notwithstanding ORS 383.009 (1)(d), net proceeds of tolls imposed under this section
 7 shall be deposited in the Congestion Relief Fund established under ORS 383.155.

8 (8) Notwithstanding ORS 383.004, the commission is prohibited from establishing and as-
 9 ssuming a toll under this section during, what the commission determines are off-peak hours
 10 for traffic.

11 (9) When establishing the toll rates under this section, the commission shall establish
 12 rates in a manner that mitigates the financial impact of tolls on low-income drivers.

13 (10) The commission may adopt rules to carry out the provisions of this section.

14 **SECTION 3.** The Department of Transportation shall submit reports to the Joint Com-
 15 mittee on Transportation or the interim Joint Committee on Transportation as follows:

16 (1) The first report must be submitted no later than June 30, 2023, and must provide a
 17 preliminary evaluation on the progress of the variable time-of-day pilot program imple-
 18 mented under section 2 of this 2021 Act.

19 (2) The second report must be submitted no later than June 30, 2025, and must provide
 20 an evaluation on the outcome of the pilot program and include any recommendations for
 21 legislation based on the results of the pilot program.

22 **SECTION 4.** ORS 383.003 is amended to read:

23 383.003. As used in ORS 383.003 to 383.075:

24 (1) "Department" means the Department of Transportation.

25 (2) "Electronic toll collection system" means a system that records use of a tollway by elec-
 26 tronic transmissions to or from the vehicle using the tollway and that collects tolls, or that is ca-
 27 pable of charging an account established by a person for use of the tollway.

28 (3) "Photo enforcement system" means a system of sensors installed to work in conjunction with
 29 an electronic toll collection system and other traffic control devices and that automatically produces
 30 videotape or one or more photographs, microphotographs or other recorded images of a vehicle in
 31 connection with the collection or enforcement of tolls.

32 (4) "Private entity" means any nongovernmental entity, including a corporation, partnership,
 33 company or other legal entity, or any natural person.

34 (5) "Related facility" means any real or personal property that:

35 (a) Will be used to operate, maintain, renovate or facilitate the use of the tollway;

36 (b) Will provide goods or services to the users of the tollway; or

37 (c) Can be developed efficiently when tollways are developed and will generate revenue that
 38 may be used to reduce tolls or will be deposited in the State Tollway Account.

39 (6) "Toll" means any fee or charge for the use of a tollway.

40 (7) "Toll booth collections" means the manual or mechanical collection of cash or charging of
 41 an account at a toll plaza, toll booth or similar fixed toll collection facility.

42 (8) "Tollway" means any roadway, path, highway, bridge, tunnel, railroad track, bicycle path or
 43 other paved surface or structure specifically designed as a land vehicle transportation route[*the*
 44 *construction, operation or maintenance of which is wholly or partially funded with toll revenues re-*
 45 *sulting from an agreement under ORS 383.005] **for the use of which tolls are assessed.***

1 (9) "Tollway operator" means the unit of government or the private entity that is responsible
2 for the construction, reconstruction, installation, improvement, financing, maintenance, repair and
3 operation of a tollway or a related facility.

4 (10) "Tollway project" means any capital project involving the acquisition of land for, or the
5 construction, reconstruction, improvement, installation, development or equipping of, a tollway, re-
6 lated facilities or any portion thereof.

7 (11) "Unit of government" means any department or agency of the federal government, any state,
8 any department or agency of a state, any bistate entity created by agreement under ORS 190.420
9 or other law for the purposes of the Interstate 5 bridge replacement project, and any city, county,
10 district, port or other public corporation organized and existing under statutory law or under a
11 voter-approved charter.

12 **SECTION 5. Section 3 of this 2021 Act is repealed on January 2, 2026.**

13 **SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021**
14 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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