

Senate Bill 369

Sponsored by Senator BOQUIST (Pre-session filed.)

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**.

Requires Interstate 5 Rose Quarter Project and Interstate 205 Abernethy Bridge Project to include new additional travel lanes along specified portion of highway. Requires Oregon Transportation Commission to identify status and progress of such new additional travel lanes in report required for conditional fuel tax increases in 2022 and 2024.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the requirement of new additional travel lanes for certain interstate construction
3 projects; creating new provisions; amending section 45, chapter 750, Oregon Laws 2017; and
4 prescribing an effective date.

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

6 **SECTION 1.** Section 45, chapter 750, Oregon Laws 2017, as amended by section 43, chapter 93,
7 Oregon Laws 2018, section 1, chapter 250, Oregon Laws 2019, and section 7, chapter 491, Oregon
8 Laws 2019, is amended to read:

9 **Sec. 45.** (1)(a) For calendar years beginning on or after January 1, 2020, the rates determined
10 under ORS 319.020 (1)(b) and 319.530 (1) shall each be increased by two cents only if the Oregon
11 Transportation Commission submits a report in the manner provided by ORS 192.245 on or before
12 December 1, 2019, to the Joint Committee on Transportation established under ORS 171.858 stating
13 that:

14 (A) The commission has identified sufficient shovel-ready highway projects and highway main-
15 tenance or operational uses of the increased fuel tax revenue to justify the increase;

16 (B) The set of uniform standards required under ORS 184.657 (1) has been developed and the
17 standards are being followed;

18 (C) The reports received from cities and counties under ORS 184.657 (2) have been submitted
19 and posted by the commission as required under ORS 184.657 (3);

20 (D) The Department of Transportation is implementing the registration fees and title fees de-
21 scribed in ORS 803.091 and 803.422; and

22 (E) The Interstate 205 Active Traffic Management Project and the Interstate 205 Corridor Bot-
23 tleneck Project have been completed.

24 (b) In addition to the facts stated in the report required under paragraph (a) of this subsection,
25 the Oregon Transportation Commission shall also submit with the report:

26 (A) A list of the shovel-ready highway projects the commission expects to undertake with the
27 revenue that will become available as a result of the increase;

28 (B) The amount of bonds the commission considers necessary to be issued to complete shovel-
29 ready highway projects scheduled to be commenced after January 1, 2020;

30 (C) The construction and financial status of uncompleted in-progress projects exceeding \$20

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 million identified in chapter 750, Oregon Laws 2017;

2 (D) The status of the Treasure Valley Intermodal Facility Project and the Value Pricing Set-Up
3 Project;

4 (E) Design, cost analysis and construction option packages for the Interstate 5 Rose Quarter
5 Project for consideration by the Legislative Assembly; and

6 (F) The design, construction, financial status and progress of projects costing more than \$20
7 million that are identified in chapter 750, Oregon Laws 2017, including, but not limited to, the
8 Interstate 205 Abernethy Bridge Project, the Interstate 205 Freeway Widening Project, the State
9 Highway 217 Northbound Project and the State Highway 217 Southbound Project, and any other
10 state transportation projects implemented after October 6, 2017.

11 (2)(a) For calendar years beginning on or after January 1, 2022, the rates determined under ORS
12 319.020 (1)(b) and 319.530 (1) and subsection (1) of this section shall each be increased by two cents
13 only if the Oregon Transportation Commission submits a report in the manner provided by ORS
14 192.245 on or before December 1, 2021, to the Joint Committee on Transportation established under
15 ORS 171.858 stating that:

16 (A) The Continuous Improvement Advisory Committee appointed under ORS 184.665 has re-
17 viewed and reported to the commission on all transportation projects costing \$50 million or more
18 and completed not less than six months prior to the date of the report required under this para-
19 graph;

20 (B) The recommendations for improvement reported by the Continuous Improvement Advisory
21 Committee to the commission at least six months prior to the date of the report required under this
22 paragraph, and approved by the commission, have been implemented or plans for implementation
23 have been developed;

24 (C) The commission has identified sufficient shovel-ready highway projects and highway main-
25 tenance or operational uses of the increased fuel tax revenue to justify the increase;

26 (D) The set of uniform standards required under ORS 184.657 (1) has been developed and the
27 standards are being followed;

28 (E) The reports received from cities and counties under ORS 184.657 (2) have been posted by the
29 commission as required under ORS 184.657 (3);

30 (F) Under ORS 184.657 (4), payments from the State Highway Fund have been withheld from
31 cities and counties that failed to submit reports as required under ORS 184.657 (2); and

32 (G) The Department of Transportation is implementing the registration fees and title fees de-
33 scribed in ORS 803.091 and 803.422.

34 (b) In addition to the facts stated in the report required under paragraph (a) of this subsection,
35 the Oregon Transportation Commission shall also identify in the report:

36 (A) A list of the shovel-ready highway projects the commission expects to undertake with the
37 revenue that will become available as a result of the increase;

38 (B) The amount of bonds the commission considers necessary to be issued to complete shovel-
39 ready highway projects scheduled to be commenced after January 1, 2022;

40 (C) The construction and financial status of uncompleted in-progress projects exceeding \$50
41 million identified in chapter 750, Oregon Laws 2017; *[and]*

42 (D) The design, construction, financial status and progress of projects costing more than \$20
43 million that are identified in chapter 750, Oregon Laws 2017, including, but not limited to, the
44 Interstate 5 Rose Quarter Project, the Interstate 205 Abernethy Bridge Project, the Interstate 205
45 Freeway Widening Project, the State Highway 217 Northbound Project, the Newberg-Dundee Bypass

1 Project and the State Highway 217 Southbound Project, and any other state transportation projects
2 implemented after October 6, 2017[.]; **and**

3 **(E) The status and progress of the new additional travel lanes required under section 2**
4 **of this 2021 Act for both the Interstate 5 Rose Quarter Project and the Interstate 205**
5 **Abernethy Bridge Project.**

6 (c) If the Commissioner of the Bureau of Labor and Industries has found substantial evidence,
7 under ORS 279C.306, that a contracting agency that would otherwise receive increased amounts of
8 fuel tax revenues pursuant to this section on or after January 1, 2022, has violated ORS 279C.305
9 within the five years immediately preceding the date of the commissioner's finding, or has materially
10 breached an agreement entered into pursuant to ORS 279C.306, the Department of Transportation
11 shall withhold the increased amounts until the final resolution of the violation or breach is deter-
12 mined under ORS 279C.306.

13 (3)(a) For calendar years beginning on or after January 1, 2024, the rates determined under ORS
14 319.020 (1)(b) and 319.530 (1) and subsections (1) and (2) of this section shall each be increased by
15 two cents only if the Oregon Transportation Commission submits a report in the manner provided
16 by ORS 192.245 on or before December 1, 2023, to the Joint Committee on Transportation estab-
17 lished under ORS 171.858 stating that:

18 (A) The Continuous Improvement Advisory Committee appointed under ORS 184.665 has re-
19 viewed and reported to the commission on all transportation projects costing \$50 million or more
20 and completed not less than six months prior to the date of the report required under this para-
21 graph;

22 (B) The recommendations for improvement reported by the Continuous Improvement Advisory
23 Committee to the commission at least six months prior to the date of the report required under this
24 paragraph, and approved by the commission, have been implemented or plans for implementation
25 have been developed;

26 (C) The commission has identified sufficient shovel-ready highway projects and highway main-
27 tenance or operational uses of the increased fuel tax revenue to justify the increase;

28 (D) The set of uniform standards required under ORS 184.657 (1) has been developed and the
29 standards are being followed;

30 (E) The reports received from cities and counties under ORS 184.657 (2) have been posted by the
31 commission as required under ORS 184.657 (3); and

32 (F) Under ORS 184.657 (4), payments from the State Highway Fund have been withheld from
33 cities and counties that failed to submit reports as required under ORS 184.657 (2).

34 (b) In addition to the facts stated in the report required under paragraph (a) of this subsection,
35 the Oregon Transportation Commission shall also submit with the report:

36 (A) A list of the shovel-ready highway projects the commission expects to undertake with the
37 revenue that will become available as a result of the increase;

38 (B) The amount of bonds the commission considers necessary to be issued to complete shovel-
39 ready highway projects scheduled to be commenced after January 1, 2024; *[and]*

40 (C) The design, construction, financial status and progress of projects costing more than \$20
41 million that are identified in chapter 750, Oregon Laws 2017, including, but not limited to, the
42 Interstate 5 Rose Quarter Project, the Interstate 205 Abernethy Bridge Project, the Interstate 205
43 Freeway Widening Project, the State Highway 217 Northbound Project, the Newberg-Dundee Bypass
44 Project and the State Highway 217 Southbound Project, and any other state transportation projects
45 implemented after October 6, 2017[.]; **and**

1 **(D) The status and progress of the new additional travel lanes required under section 2**
2 **of this 2021 Act for both the Interstate 5 Rose Quarter Project and the Interstate 205**
3 **Abernethy Bridge Project.**

4 (c) If the Commissioner of the Bureau of Labor and Industries has found substantial evidence,
5 under ORS 279C.306, that a contracting agency that would otherwise receive increased amounts of
6 fuel tax revenues pursuant to this section on or after January 1, 2024, has violated ORS 279C.305
7 within the five years immediately preceding the date of the commissioner's finding, or has materially
8 breached an agreement entered into pursuant to ORS 279C.306, the Department of Transportation
9 shall withhold the increased amounts until the final resolution of the violation or breach is deter-
10 mined under ORS 279C.306.

11 **SECTION 2. (1) The Interstate 5 Rose Quarter Project must include at least one new**
12 **additional northbound travel lane and at least one new additional southbound travel lane on**
13 **the portion of Interstate 5 beginning with and including the Fremont Bridge and ending with**
14 **and including the Marquam Bridge.**

15 **(2) The Interstate 205 Abernethy Bridge Project must include at least one new additional**
16 **westbound travel lane and at least one new additional eastbound travel lane on the portion**
17 **of Interstate 205 beginning where Interstate 5 intersects with Interstate 205 and ending with**
18 **and including the Abernethy Bridge.**

19 **SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021**
20 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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