

**HB 4139 B BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Sen. Lieber

**Joint Committee On Ways and Means**

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**Action Date:** 02/26/22

**Action:** Do pass the B-Eng bill.

**Senate Vote**

**Yeas:** 9 - Anderson, Golden, Gorsek, Hansell, Knopp, Lieber, President Courtney, Steiner Hayward, Taylor

**Nays:** 1 - Girod

**Exc:** 2 - Frederick, Thomsen

**House Vote**

**Yeas:** 11 - Breese-Iverson, Bynum, Evans, Gomberg, McLain, Nosse, Reschke, Sanchez, Smith G, Stark, Valderrama

**Prepared By:** Michelle Lisper, Department of Administrative Services

**Reviewed By:** Michelle Deister, Legislative Fiscal Office

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**Department of Transportation**

**2021-23**

**Department of Environmental Quality**

**2021-23**

**Budget Summary\***

Department of Transportation	2021-23	2022	Committee Change from	
	Legislatively Approved Budget <sup>(1)</sup>	Committee Recommendation	2021-23 Leg. Approved	
			\$ Change	% Change
Other Funds Limited	\$ -	\$ 236,219	\$ 236,219	100%
Total	\$ -	\$ 236,219	\$ 236,219	100%

**Position Summary**

Authorized Positions	0	2	2
Full-time Equivalent (FTE) positions	0.00	0.92	0.92

<sup>(1)</sup> Includes adjustments through January 2022

\* Excludes Capital Construction expenditures

**Summary of Revenue Changes**

House Bill 4139 increases Other Funds expenditure limitation for the Oregon Department of Transportation (ODOT) by \$236,219 to provide the resources for implementation of the requirements in the bill. The revenue to cover position costs outlined below will come from the State Highway Fund.

The measure also establishes the Medium and Heavy-Duty Electrification Charging Fund within the Department of Environmental Quality for a grant program supporting medium and heavy-duty zero emission vehicle charging and fueling infrastructure projects. Revenue for the account will consist of donations, funding provided through legislative action, other deposits from public or private sources, and interest earned in the fund. No more than 10% of the moneys deposited in the fund per biennium could be used for administrative expenses for the grant program. HB 4139 does not include a deposit into the account.

**Summary of Capital Construction Subcommittee Action**

HB 4139 requires ODOT to establish a program for greenhouse gas reduction that assesses the greenhouse gas emission from concrete, asphalt paving mixtures, steel products, and other products identified to be attributable to certain materials used in construction and maintenance activities for the state’s transportation system. The program must be established by December 31, 2025. ODOT is directed to conduct life cycle assessments and develop strategies for reducing greenhouse gas emissions in all five ODOT regions according to the specific needs of each region. ODOT is directed to establish a technical advisory committee to assist with implementing the program and outlines membership on the committee. The committee will be responsible for recommending quantities of covered material below which an environmental product

declaration (EPD) is not required.

HB 4139 directs ODOT to require submission of an EPD before a contractor installs the covered materials, with some exceptions. The measure prohibits ODOT from using EPDs as a consideration of ranking or scoring bids. ODOT must establish, by rule, a program to extend grants to bidders or proposers requiring financial assistance, to prepare EPDs. HB 4139 stipulates that prior to establishing the grant program, ODOT must return to the Legislature to request funding to support this grant program. State Highway Funds are not permissible to be used to support the grant program. ODOT must submit a report to the Oregon Transportation Commission and an interim committee of the Legislative Assembly related to transportation.

The Subcommittee recommended an increase in Other Funds expenditure limitation for ODOT by \$236,219 and establishment of two permanent full-time positions (0.92 FTE): one Professional Engineer 2 position (0.46 FTE) to manage the technical advisory committee, rulemaking, and coordinating and conducting studies of various proposals; and one Civil Engineering Specialist 3 position (0.46 FTE) to act as a point of contact for the technical advisory committee's work across the five ODOT regions. This work will include coordinating and staffing internal working groups, devising, and executing implementation plans, monitoring program effectiveness, gathering data and preparing reports for committee review, and working with ODOT's five regions on the implementation of committee proposals.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

Department of Transportation  
Michelle Lisper--971-283-6360

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE ADJUSTMENTS</u>									
<b>SCR 100-55 - Special Programs</b>									
Personal Services	\$ -	\$ -	\$ 218,722	\$ -	\$ -	\$ -	\$ 218,722	2	0.92
Services and Supplies	\$ -	\$ -	\$ 17,497	\$ -	\$ -	\$ -	\$ 17,497		
<b>SUBCOMMITTEE RECOMMENDATION *</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 236,219</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 236,219</b>	<b>2</b>	<b>0.92</b>
% Change from 2021-23 Leg Approved Budget	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%	100.0%

\*Excludes Capital Construction Expenditures