

# Enrolled House Bill 2793

Sponsored by Representatives BOWMAN, NOSSE; Representatives CHAICHI, CONRAD, ELMER, FAHEY, GAMBA, GRAYBER, HARTMAN, LIVELY, MCINTIRE, OWENS, PHAM K, WALTERS, WRIGHT, Senators CAMPOS, DEMBROW (Presession filed.)

CHAPTER .....

AN ACT

Relating to transportation; creating new provisions; amending ORS 802.348; and declaring an emergency.

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

**SECTION 1. (1) The Jurisdictional Transfer Advisory Committee is established within the Department of Transportation.**

**(2) The committee consists of 11 members appointed by the Governor. The members of the committee shall include:**

- (a) Two members who are transportation engineers;**
- (b) Two members who represent cities and who have experience working on transportation projects;**
- (c) One member who represents a county and who has experience working on transportation projects;**
- (d) One member who represents a regional government and who has experience working on transportation projects;**
- (e) One member who represents road users;**
- (f) One member who represents law enforcement;**
- (g) One member who represents transit users;**
- (h) One member who represents the advisory committee on bicycle traffic established in ORS 366.112; and**

**(i) One member who represents the Transportation Safety Committee established in ORS 802.300.**

**(3) The Governor shall appoint members to the Jurisdictional Transfer Advisory Committee so that there is at least one member of the committee from each congressional district in this state.**

**(4) The Jurisdictional Transfer Advisory Committee shall, from the jurisdictional transfer applications submitted under section 3 of this 2023 Act:**

- (a) Review the applications; and**
- (b) Develop a list of three jurisdictional transfers to recommend for funding.**

**(5) The committee shall actively solicit reviews and comments from the Oregon Transportation Commission in the development of the list described in subsection (4)(b) of this section. The committee shall also shall take into consideration the following:**

(a) The difference between the applicant's and the department's standards of maintenance;

(b) The amount of deferred maintenance;

(c) A description of how the highway is used in the community;

(d) The climate impact of a transfer and subsequent upgrades the applicant could provide;

(e) The potential positive impacts on historically underserved groups;

(f) The increase in multimodal transportation options provided by a transfer;

(g) A description of the safety issues that exist; and

(h) A transfer readiness assessment that may include:

(A) The interest of the community;

(B) Funding capacity of the applicant for the transfer and maintenance in the future; and

(C) The existing condition of the highway and its current state of maintenance.

(6) No later than September 15 of each even-numbered year, the Jurisdictional Transfer Advisory Committee shall submit a report to the Joint Committee on Transportation, in the manner provided in ORS 192.245, that includes the list of jurisdictional transfers recommended for funding under subsection (4)(b) of this section.

(7) The term of office of each member of the Jurisdictional Transfer Advisory Committee is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. However, a member of the committee may not serve more than two terms. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed from the congressional district for which the vacancy exists.

(8) A majority of the members of the committee constitutes a quorum for the transaction of business.

(9) Official action by the committee requires the approval of a majority of the members of the committee.

(10) The committee shall elect one of its members to serve as chairperson.

(11) The committee shall meet at times and places specified by the call of the chairperson or of a majority of the members of the committee, provided that the committee meets at least four times a year.

(12) The committee may adopt rules necessary for the operation of the committee.

(13) The Department of Transportation shall provide assistance and space for meetings as requested by the chair of the committee.

(14) Qualified members, as defined in ORS 292.495, of the advisory committee are entitled to compensation for actual and necessary travel or other expenses incurred in the performance of their official duties as specified for qualified members of boards or commissions in ORS 292.495 (4).

**SECTION 2.** Notwithstanding the term of office specified by section 1 of this 2023 Act, of the members first appointed by the Governor to the Jurisdictional Transfer Advisory Committee:

(1) Two shall serve for a term ending January 1, 2025.

(2) Three shall serve for a term ending January 1, 2026.

(3) Three shall serve for a term ending January 1, 2027.

(4) Three shall serve for a term ending January 1, 2028.

**SECTION 3.** (1) The Department of Transportation shall adopt rules specifying the process by which a city or county may apply for inclusion on the list of jurisdictional transfers recommended for funding and submitted to the Joint Committee on Transportation under section 1 of this 2023 Act.

(2) An application under this section must be on a form prescribed by the department and must include the following:

(a) The name of the city or county;  
(b) A description of the portion of the highway to be transferred;  
(c) A desired timeline for the transfer;  
(d) The scope of the transfer;  
(e) A description of which body assumes liability during and after the transfer;  
(f) The cost to update the segment of highway transferred to a state of good repair; and  
(g) Any other information necessary or helpful to the Jurisdictional Transfer Advisory Committee established in section 1 of this 2023 Act in making its recommendations to the Joint Committee on Transportation.

(3) A jurisdictional transfer applicant must submit:

(a) Plans to provide at least 20 percent of the moneys required for the jurisdictional transfer; and

(b) A community vision plan that describes the applicant's plan for managing and improving the highway.

**SECTION 4.** ORS 802.348 is amended to read:

802.348. (1) The Department of Transportation shall ensure that the membership of advisory committees to the department reflects the racial and ethnic and ability composition of this state as determined by the most recent American Community Survey from the United States Census Bureau.

(2) Subsection (1) of this section applies to all advisory committees to the department, including but not limited to:

(a) The Continuous Improvement Advisory Committee established in ORS 184.665.

(b) The Freight Advisory Committee established in ORS 366.212.

(c) The Road User Fee Task Force established in ORS 184.843.

(d) Any stakeholder forum established under ORS 366.215.

(e) The advisory committee on vehicle dealer regulation established in ORS 802.370.

(f) The advisory committee on bicycle traffic established in ORS 366.112.

(g) The Transportation Safety Committee established in ORS 802.300.

(h) **The Jurisdictional Transfer Advisory Committee established in section 1 of this 2023 Act.**

**SECTION 5.** ORS 802.348, as amended by section 4 of this 2023 Act, is amended to read:

802.348. (1) The Department of Transportation shall ensure that the membership of advisory committees to the department reflects the racial and ethnic and ability composition of this state as determined by the most recent American Community Survey from the United States Census Bureau.

(2) Subsection (1) of this section applies to all advisory committees to the department, including but not limited to:

(a) The Continuous Improvement Advisory Committee established in ORS 184.665.

(b) The Freight Advisory Committee established in ORS 366.212.

(c) The Road User Fee Task Force established in ORS 184.843.

(d) Any stakeholder forum established under ORS 366.215.

(e) The advisory committee on vehicle dealer regulation established in ORS 802.370.

(f) The advisory committee on bicycle traffic established in ORS 366.112.

(g) The Transportation Safety Committee established in ORS 802.300.

*[(h) The Jurisdictional Transfer Advisory Committee established in section 1 of this 2023 Act.]*

**SECTION 6. The amendments to ORS 802.348 by section 5 of this 2023 Act become operative on January 1, 2029.**

**SECTION 7. Sections 1, 2 and 3 of this 2023 Act are repealed on January 2, 2029.**

**SECTION 8. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter \_\_\_\_\_, Oregon Laws 2023 (Enrolled House Bill 5040), for the biennium beginning July 1, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2 (3), chapter \_\_\_\_\_,**

Oregon Laws 2023 (Enrolled House Bill 5040), collected or received by the Department of Transportation, for project delivery and support, is increased by \$220,568.

**SECTION 9.** This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

**Passed by House June 14, 2023**

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

**Passed by Senate June 23, 2023**

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Rob Wagner, President of Senate

**Received by Governor:**

.....M,....., 2023

**Approved:**

.....M,....., 2023

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2023

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Secretary of State