

# House Bill 3293

Sponsored by Representative WALTERS; Senator MEEK

## 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**.

Provides that person who is registered owner of motor vehicle whose vehicle is registered at address that is within three-mile radius of toll collection facility on Interstate 205 is eligible for limited toll rate. Sets cap for toll rate. Defines "toll collection facility."

Provides that county whose border is within three-mile radius of toll collection facility shall receive five percent of amount of tolls collected from Department of Transportation for purpose of mitigating traffic diversion as result of tollway project.

## A BILL FOR AN ACT

1  
2 Relating to tolling; amending ORS 383.004 and 383.009.

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

4 **SECTION 1.** ORS 383.004, as amended by section 16, chapter 7, Oregon Laws 2022, is amended  
5 to read:

6 383.004. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, a toll  
7 may not be established unless the Oregon Transportation Commission has reviewed and approved  
8 the toll. The commission shall adopt rules specifying the process under which proposals to establish  
9 tolls will be reviewed. When reviewing a proposal to establish tolls, the commission shall take into  
10 consideration:

11 (a) The amount and classification of the traffic using, or anticipated to use, the tollway;

12 (b) The amount of the toll proposed to be established for each class or category of tollway user  
13 and, if applicable, the different amounts of the toll depending on time and day of use;

14 (c) The extent of the tollway, including improvements necessary for tollway operation and im-  
15 provements necessary to support the flow of traffic onto or off of the tollway;

16 (d) The location of toll booths or electronic toll collection systems to collect the toll for the  
17 tollway;

18 (e) The cost of constructing, reconstructing, improving, installing, maintaining, repairing and  
19 operating the tollway;

20 (f) The amount of indebtedness incurred for the construction of the tollway and all expenses and  
21 obligations related to the indebtedness including, without limitation, financial covenants, debt ser-  
22 vice requirements, reserve requirements and any other funding requirements established under the  
23 terms of any indenture prepared under ORS 383.225 and any other contracts establishing the terms  
24 of the indebtedness, if any;

25 (g) The value of assets, equipment and services required for the operation of the tollway;

26 (h) The period of time during which the toll will be in effect;

27 (i) The process for altering the amount of the toll during the period of operation of the tollway;

28 (j) The method of collecting the toll; and

29 (k) The rate of return that would be fair and reasonable for a private equity holder, if any, in

**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 the tollway.

2 **(2)(a) A registered owner of a motor vehicle whose vehicle is registered at an address**  
 3 **that is within a three-mile radius of a toll collection facility on Interstate 205 is eligible for**  
 4 **a limited toll rate. The limited toll rate may not be more than \$2 per day or \$10 per month.**  
 5 **The limited toll rate does not apply to any toll collection facility that is outside the three-**  
 6 **miles radius. The commission shall adopt rules establishing procedures for applying and**  
 7 **qualifying for the limited toll rate.**

8 **(b) As used in this subsection, “toll collection facility” means any physical location at**  
 9 **which a toll is charged to vehicles for using the highway, including a toll booth or electronic**  
 10 **toll collection system.**

11 [(2)(a)] **(3)(a)** Nothing in ORS 383.001 to 383.245 prohibits a city or county from establishing a  
 12 toll on any highway, as defined in ORS 801.305, that the city or county has jurisdiction over as a  
 13 road authority pursuant to ORS 810.010.

14 (b) Nothing in ORS 383.001 to 383.245 prohibits Multnomah County from establishing a toll on  
 15 the bridges across the Willamette River that are within the boundaries of the City of Portland and  
 16 that are operated and maintained by Multnomah County as required under ORS 382.305 and 382.310.

17 (c) Nothing in ORS 383.001 to 383.245 prohibits the Port of Hood River from establishing a toll  
 18 on the bridges across the Columbia River that are operated and maintained by the port.

19 (d) Nothing in ORS 383.001 to 383.245 prohibits the Port of Cascade Locks from establishing a  
 20 toll on the bridges across the Columbia River that are operated and maintained by the port.

21 (e) Nothing in ORS 383.001 to 383.245 prohibits a commission formed under section 3, chapter  
 22 7, Oregon Laws 2022, from establishing a toll on a bridge across the Columbia River that is operated  
 23 and maintained by the commission or the commission’s designee.

24 **SECTION 2.** ORS 383.009 is amended to read:

25 383.009. (1) There is hereby established the Toll Program Fund as a separate and distinct fund  
 26 from the State Highway Fund. The Toll Program Fund shall consist of:

27 (a) All moneys and revenues received by the Department of Transportation from or made avail-  
 28 able by the federal government to the department for any tollway project or for the operation or  
 29 maintenance of any tollway;

30 (b) Any moneys received by the department from any other unit of government or any private  
 31 entity for a tollway project or from the operation or maintenance of any tollway;

32 (c) All moneys and revenues received by the department from any agreement entered into or  
 33 loan made by the department for a tollway project pursuant to ORS 383.005, and from any lease,  
 34 agreement, franchise or license for the right to the possession and use, operation or management  
 35 of a tollway project;

36 (d) All tolls and other revenues received by the department or tollway operator from the users  
 37 of any tollway project;

38 (e) The proceeds of any bonds authorized to be issued for tollway projects;

39 (f) Any moneys that the department has legally transferred from the State Highway Fund to the  
 40 Toll Program Fund for tollway projects;

41 (g) All moneys and revenues received by the department from all other sources that by gift,  
 42 bequest, donation, grant, contract or law from any public or private source are for deposit in the  
 43 Toll Program Fund;

44 (h) All interest earnings on investments made from any of the moneys held in the Toll Program  
 45 Fund;

1 (i) All civil penalties and administrative fees paid to the department from the enforcement of  
2 tolls;

3 (j) Fees paid to the department for information provided under ORS 383.075;

4 (k) Moneys appropriated for deposit in or otherwise transferred to the Toll Program Fund by the  
5 Legislative Assembly; and

6 (L) Moneys received from federal sources or other state or local sources, excluding proceeds of  
7 Highway User Tax Bonds issued under ORS 367.615 that finance projects other than toll projects.

8 (2) Moneys in the Toll Program Fund may be used by the department for the following purposes:

9 (a) To finance preliminary studies and reports for any tollway project;

10 (b) To acquire land to be owned by the state for tollways and any related facilities therefor;

11 (c) To finance the construction, renovation, operation, improvement, maintenance or repair of  
12 any tollway project;

13 (d) To make grants or loans to a unit of government for tollway projects;

14 (e) To make loans to private entities for tollway projects;

15 (f) To pay the principal, interest and premium due with respect to, and to pay the costs con-  
16 nected with the issuance or ongoing administration of, any bonds or other financial obligations au-  
17 thorized to be issued by, or the proceeds of which are received by, the department for any tollway  
18 project, including capitalized interest and any rebates or penalties due to the United States in con-  
19 nection with the bonds;

20 (g) To provide a guaranty or other security for any bonds or other financial obligations, in-  
21 cluding but not limited to financial obligations with respect to any bond insurance, surety or credit  
22 enhancement device issued or incurred by the department, a unit of government or a private entity,  
23 for the purpose of financing a single tollway project or any related group or system of tollway  
24 projects or related facilities;

25 (h) To pay the costs incurred by the department in connection with its oversight, operation and  
26 administration of the Toll Program Fund, the proposals and projects submitted under ORS 383.015  
27 and the tollway projects financed under ORS 383.005;

28 (i) To develop, implement and administer the toll program established under ORS 383.150, in-  
29 cluding the cost of consultants, advisors, attorneys or other professional service providers appointed,  
30 retained or approved by the department; and

31 (j) To make improvements or fund efforts on the tollway and on adjacent, connected or parallel  
32 highways to the tollway to reduce traffic congestion as a result of a tollway project, improve safety  
33 as a result of a tollway project and reduce impacts of diversion as a result of a tollway project.

34 (3) **Except as provided in subsection (4) of this section**, for purposes of paying or securing  
35 bonds or providing a guaranty, surety or other security authorized by this section, the department  
36 may:

37 (a) Irrevocably pledge all or any portion of the amounts that are credited to, or are required to  
38 be credited to, the Toll Program Fund;

39 (b) Establish subaccounts in the Toll Program Fund, and make covenants regarding the credit  
40 to and use of amounts in those subaccounts; and

41 (c) Establish separate trust funds or accounts and make covenants to transfer to those separate  
42 trust funds or accounts all or any portion of the amounts that are required to be deposited in the  
43 Toll Program Fund.

44 (4) **Each year five percent of the moneys collected by the department from tolls shall be**  
45 **allocated for distribution as provided in ORS 366.762 to counties whose border is within a**

1 **three-mile radius of a toll collection facility, as defined in ORS 383.004. The counties, in col-**  
2 **laboration with affected cities within the counties, shall use the moneys to mitigate the im-**  
3 **act of traffic diversion on local highways as a result of a tollway project.**

4 [(4)] (5) Notwithstanding any other provision of ORS 383.001 to 383.245, the department shall  
5 not pledge any funds or amounts at any time held in the Toll Program Fund as security for the ob-  
6 ligations of a unit of government or a private entity unless the department has entered into a  
7 binding and enforceable agreement that provides the department reasonable assurance that the de-  
8 partment will be repaid, with appropriate interest, any amounts that the department is required to  
9 advance pursuant to that pledge.

10 [(5)] (6) Moneys in the Toll Program Fund are continuously appropriated to the department for  
11 purposes authorized by this section.

12 [(6)] (7) Notwithstanding subsection (1) of this section, a city, county, district, port or other  
13 public corporation organized and existing under statutory law or under a voter-approved charter is  
14 not required to deposit into the Toll Program Fund tolls, or other revenues are received from the  
15 users of any tollway, that are assessed by a city, county, district, port or other public corporation  
16 organized and existing under statutory law or under a voter-approved charter.

17 [(7)] (8) Moneys in the Toll Program Fund that are transferred from the State Highway Fund  
18 or are derived from any revenues under Article IX, section 3a, of the Oregon Constitution, may be  
19 used only for purposes permitted by Article IX, section 3a, of the Oregon Constitution.

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