PROPOSED AMENDMENTS TO
HOUSE BILL 2098

In line 2 of the printed bill, after “transportation” insert “; creating new provisions; amending ORS 366.506, 367.163 and 383.003 and section 2, chapter 4, Oregon Laws 2013, and section 75, chapter 750, Oregon Laws 2017; repealing sections 3, 11, 12 and 13, chapter 4, Oregon Laws 2013; and declaring an emergency”.

After line 2, insert:

“Whereas the current Interstate 5 bridge, consisting of a pair of northbound and southbound spans that connect Portland, Oregon, and Vancouver, Washington, is over 100 years old and has exceeded its useful lifespan, leading to frequent traffic congestion and safety hazards; and

“Whereas the Interstate 5 bridge serves as a critical transportation link between two major metropolitan areas and is vital for the economic growth and development of the region; and

“Whereas a replacement bridge would improve traffic flow, reduce congestion and travel times and enhance safety for all users, including pedestrians, cyclists and drivers; and

“Whereas the Interstate 5 bridge replacement project will create numerous job opportunities and stimulate economic growth by attracting new businesses and improving the efficiency of freight movement; and

“Whereas the Interstate 5 bridge replacement project has received strong
support from local businesses, elected officials and community groups, re-
reflecting the broad consensus that it is essential for the region’s continued
prosperity and well-being; and

“Whereas the federal government provides an opportunity for the State
of Oregon to leverage federal dollars to invest in critical infrastructure and
create a more resilient transportation system; and

“Whereas the Interstate 5 bridge replacement project aligns with the
state’s transportation goals, including increasing access to alternative modes
of transportation, improving safety and mobility and enhancing regional
connectivity; and

“Whereas the Interstate 5 Rose Quarter Project was identified as a
project of statewide significance in the transportation package Enrolled
House Bill 2017 (2017); and

“Whereas the Interstate 5 Rose Quarter Project funding remains a prior-
ity project for the State of Oregon; and

“Whereas the completion of the Interstate 5 Rose Quarter Project should
not be dependent upon tolling revenue; and

“Whereas the Department of Transportation is considering a tolling pro-
gram for improvement projects in the Portland metropolitan region as de-
dcribed in Enrolled House Bill 2017 (2017) and Enrolled House Bill 3055
(2021); and

“Whereas the Legislative Assembly and the Oregon Transportation Com-
mision should consider market impacts, equity across road users and safety
when implementing a tolling program and establishing tolling rates; and

“Whereas maintaining the balance between the cost responsibility of light
and heavy vehicles is essential to fairness and ensuring that the state’s
transportation system remains financially sustainable and continues to meet
the needs of its users; and

“Whereas the Legislative Assembly shall account for the present and
historical accuracy of the highway cost allocation study by requiring a re-
view of past study parameters; and

“Whereas it is the goal for the State of Oregon that improvements to vehicle technology and mobility improvements reduce greenhouse gas emissions from the transportation sector; and

“Whereas technological improvements that impact funding to the Department of Transportation shall be assessed and considered to provide for a multimodal transportation funding system that is equitable for all vehicle types and classes; and

“Whereas the Joint Committee on Transportation is working toward a transportation package for the 2025 regular session; now, therefore,”.

Delete lines 4 through 11 and insert:

“INTERSTATE 5 BRIDGE REPLACEMENT PROJECT

“SECTION 1. Section 2, chapter 4, Oregon Laws 2013, is amended to read:

“Sec. 2. (1) The Legislative Assembly finds that it is in the interests of this state to undertake the Interstate 5 bridge replacement project,

“(2) As used in ORS 381.005 to 381.020, ‘Interstate 5 bridge replacement project’ means a bistate, multimodal corridor improvement project between the Washington State Route 500 interchange with Interstate 5 in Vancouver, Washington, and the Columbia Slough, south of the Victory Boulevard interchange with Interstate 5 in Portland, Oregon. The project, that includes:

“(1) (a) New multimodal river crossings;
“(2) (b) Replacement, modification and removal of the existing Interstate 5 bridges;
“(3) (c) Improvements to existing interchanges; and
“(4) (d) Multimodal improvements to facilitate travel in the bistate corridor.
“FINANCING FOR
INTERSTATE 5 BRIDGE REPLACEMENT PROJECT

“SECTION 2. Sections 3 and 4 of this 2023 Act are added to and made a part of ORS 381.005 to 381.020.

“SECTION 3. (1) The total cost of the Interstate 5 bridge replacement project may not exceed $6.3 billion after the effective date of this 2023 Act.

“(2) The Legislative Assembly intends to support the Interstate 5 bridge replacement project through an investment of $1 billion, financed through the issuance of general obligation bonds authorized under Article XI, section 7, of the Oregon Constitution, over the next four biennia and repaid with General Fund obligations.

“SECTION 4. (1) It is the intent of the Legislative Assembly that, in addition to any other funding, moneys from the United States Government or toll revenues collected as part of the Interstate 5 bridge replacement project be used:

“(a) To directly fund the Interstate 5 bridge replacement project;

“(b) To repay other borrowings for the Interstate 5 bridge replacement project; or

“(c) To be pledged alone or with other security to lower the costs of other borrowings for the Interstate 5 bridge replacement project.

“(2) If necessary to secure certain federal funds to finance a portion of the Interstate 5 bridge replacement project, the Department of Transportation may take action or undertake an analysis to determine the most appropriate delivery model for the project as required under applicable federal law.

“INTERSTATE 5 BRIDGE REPLACEMENT PROJECT
REPORT AND FINDINGS
“SECTION 5. No later than February 1 of each year, the Department of Transportation shall prepare and submit a report, in the manner provided in ORS 192.245, to an appropriate committee or interim committee of the Legislative Assembly regarding the progress of the Interstate 5 bridge replacement project described in section 2, chapter 4, Oregon Laws 2013.

“SECTION 6. Section 5 of this 2023 Act is repealed on January 2, 2041.

“SECTION 7. (1) As used in this section, ‘Interstate 5 bridge replacement project’ has the meaning given that term in section 2, chapter 4, Oregon Laws 2013.

“(2) The Legislative Assembly finds that it is in the interest of the States of Oregon and Washington to ensure the project contracting process and public procurement process for the Interstate 5 bridge replacement project are structured to protect impartial and open competition, protecting both the integrity of the process and procurement and maximizing the ability of Oregon and Washington contractors to compete on the Interstate 5 bridge replacement project.

“HIGHWAY COST ALLOCATION STUDY

“SECTION 8. ORS 366.506 is amended to read:

“366.506. (1) Once every two years, the Oregon Department of Administrative Services shall conduct [either a full] a highway cost allocation study [or an examination of data collected since the previous study]. The [purposes] purpose of the study [or examination of data are] is to determine:

“(a) The proportionate share that the users of each class of vehicle should pay for the costs of maintenance, operation and improvement of the highways, roads and streets in the state; and

“(b) Whether the users of each class are paying that share.
“(2) Each study must include:
“(a) An examination of the most recent study period for which actual data are available for the purpose of determining the accuracy of the most recently published study results; and
“(b) An examination of the prospective study period based on projected data for the purpose described in subsection (1) of this section.
“[(2)] (3) The department may use any study design [it] the department determines will best accomplish the purposes stated in subsection (1) of this section. In designing the study, the department may make decisions that include, but are not limited to, the methodology to be used for the study, what constitutes a class of vehicle for purposes of collection of data under subsections (1) to [(4)] (5) of this section and the nature and scope of costs that will be included in the study.
“[(3)] (4) The department may appoint a study review team to participate in the study [or examination of data] required by subsection (1) of this section. The team may perform any functions assigned by the department, including, but not limited to, consulting on the design of the study.
“[(4)] (5) A report on the results of the study [or examination of data] shall be submitted to the legislative revenue committees and the [legislative committees with primary responsibility for transportation] Joint Committee on Transportation by January 31 of each odd-numbered year.
“[(5)] (6) The Legislative Assembly shall use the report described in [subsections (1) to (4)] subsection (5) of this section to determine whether adjustments to revenue sources described in Article IX, section 3a (3), [Article IX] of the Oregon Constitution, are needed in order to carry out the purposes of Article IX, section 3a (3), [Article IX] of the Oregon Constitution. If such adjustments are needed, the Legislative Assembly shall enact whatever measures are necessary to make the adjustments.
“SECTION 9. (1) The Oregon Department of Administrative Services
shall prepare and submit a report that includes an analysis of, at least, 
the three most recent reported highway cost allocation studies con- 
ducted under ORS 366.506.

“(2) For each of the three previous study periods, the analysis must: 
“(a) Evaluate the amount that users of each class of vehicle actu- 
ally paid for the cost of maintenance, operation and improvement of 
highways, roads and streets in the state; and

“(b) Whether the amount paid was a proportionate share of those 
costs.

“(3) The department shall submit the report, in the manner pro- 
vided by ORS 192.245, to the Joint Committee on Transportation no 
later than September 15, 2024.

“SECTION 10. Section 9 of this 2023 Act is repealed on January 2, 
2025.

“INTERSTATE 5 ROSE QUARTER PROJECT

“SECTION 11. (1) The Legislative Assembly finds that, of the 
transportation projects listed in ORS 367.095, the Interstate 5 Rose 
Quarter Project, remains a priority project of statewide significance. 
Completion of the project will improve freight routes, supply Oregon 
through interstate commerce, enhance the flow of traffic in the City 
of Portland and reduce congestion.

“(2) The Legislative Assembly affirms its intent to fully fund the 
Interstate 5 Rose Quarter Project in the 2024 and 2025 regular sessions 
of the Legislative Assembly.

“SECTION 12. Section 11 of this 2023 Act is repealed on January 2, 
2026.

“SECTION 13. Section 75, chapter 750, Oregon Laws 2017, is amended to
“Sec. 75. (1) The Oregon Transportation Commission shall conduct a study. The purpose of the study is to determine:

“(a) The proportionate share that users of vehicles that are powered by different means should pay for the costs of maintenance, operation and improvement of the highways in this state; and

“(b) Whether users of vehicles that are powered by different means are paying that share.

“(2) If the commission determines that users are not paying a proportionate share, then the commission may include in the report recommendations for legislation.

“(3) This section applies to users paying the vehicle registration fee under ORS 803.420 (6)(a).

“(4) The commission shall report the results of the study to the Joint Committee on Transportation established under [section 26 of this 2017 Act] ORS 171.858, in the manner provided by ORS 192.245, no later than September 15, 2023.

“(5) Not later than December 15, 2023, the commission shall submit recommendations for legislation, based on the results of the study, in the manner provided by ORS 192.245, to the Joint Committee on Transportation.

SECTION 14. (1) The Joint Committee on Transportation shall study the adequacy of funding provided under chapter 750, Oregon Laws 2017, in meeting the transportation infrastructure requirements of this state.

“(2) The joint committee must complete the study required under subsection (1) of this section before September 15, 2024.

“SECTION 15. Section 14 of this 2023 Act is repealed on January 2, 2025.
“CONFORMING AMENDMENTS

“SECTION 16. ORS 367.163 is amended to read:

“367.163. The State Treasurer, at the request of the Department of Transportation, may issue grant anticipation revenue bonds for the purposes of:

“(1) Financing highway improvement projects including highway improvement projects already under way or scheduled;

“(2) Financing the restoration, reconstruction or renovation of highway improvements in Oregon;

“(3) Financing transportation projects;

“(4) Paying the costs of issuance of the revenue bonds including, but not limited to, the costs and fees of paying agents, trustees and remarketing agents;

“(5) Paying the costs of credit enhancements; or

“(6) Financing the Interstate 5 bridge replacement project as defined in section 2, chapter 4, Oregon Laws 2013.

“SECTION 17. ORS 383.003 is amended to read:

“383.003. As used in ORS 383.001 to 383.245:

“(1) ‘Department’ means the Department of Transportation.

“(2) ‘Electronic toll collection system’ means a system for collecting tolls that:

“(a) Does not require a vehicle to stop at a toll booth to pay the toll; and

“(b) Uses transponder readers and license plate capture cameras to aid in collecting tolls.

“(3) ‘Private entity’ means any nongovernmental entity, including a corporation, partnership, company or other legal entity, or any natural person.

“(4) ‘Related facility’ means any real or personal property that:

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

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“(b) Will provide goods or services to the users of the tollway; or
“(c) Will generate revenue that may be used to reduce tolls or will be
   deposited in the Toll Program Fund.
“(5) ‘Toll’ means any fee or charge for the use of a tollway.
“(6) ‘Tollway’ means any roadway, path, highway, bridge, tunnel, railroad
   track, bicycle path or other paved surface or structure specifically designed
   as a land vehicle transportation route for the use of which tolls are assessed.
“(7) ‘Tollway operator’ means the unit of government or the private entity
   that is responsible for all or any portion of the construction, reconstruction,
   improvement, financing, maintenance, repair and operation of a tollway or
   a related facility.
“(8) ‘Tollway project’ means any capital project involving the develop-
   ment, operation or equipping of a tollway, related facilities or any portion
   thereof.
“(9) ‘Tollway project revenue bonds’ means revenue bonds designated as
   tollway project revenue bonds under ORS 383.200.
“(10) ‘Unit of government’ means any department or agency of the federal
   government, any state, any department or agency of a state, any bistate en-
   tity created by agreement under ORS 190.420 or other law for the purposes
   of the Interstate 5 bridge replacement project, as defined in section 2,
   chapter 4, Oregon Laws 2013, and any city, county, district, port or other
   public corporation organized and existing under statutory law or under a
   voter-approved charter.

“REPEALS

“SECTION 18. Sections 3, 11, 12 and 13, chapter 4, Oregon Laws 2013,
   are repealed.

“CAPTIONS
“SECTION 19. The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

“EFFECTIVE DATE

“SECTION 20. 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.”.