

HB 2098-4  
(LC 2934)  
4/27/23 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Senator Lew Frederick, Representative Susan McLain)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2098**

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

6 After line 2, insert:

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

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

14 “Whereas a replacement bridge would improve traffic flow, reduce con-  
15 gestion and travel times and enhance safety for all users, including pedes-  
16 trians, cyclists and drivers; and

17 “Whereas the Interstate 5 bridge replacement project will create numer-  
18 ous job opportunities and stimulate economic growth by attracting new  
19 businesses and improving the efficiency of freight movement; and

20 “Whereas the Interstate 5 bridge replacement project has received strong  
21 support from local businesses, elected officials and community groups, re-

1 flecting the broad consensus that it is essential for the region’s continued  
2 prosperity and well-being; and

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

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

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

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

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

17 “Whereas the Department of Transportation is considering a tolling pro-  
18 gram for improvement projects in the Portland metropolitan region as de-  
19 scribed in Enrolled House Bill 2017 (2017) and Enrolled House Bill 3055  
20 (2021); and

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

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

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

1 “Whereas it is the goal for the State of Oregon that improvements to  
2 vehicle technology and mobility improvements reduce greenhouse gas emis-  
3 sions from the transportation sector; and

4 “Whereas technological improvements that impact funding to the De-  
5 partment of Transportation shall be assessed and considered to provide for  
6 a multimodal transportation funding system that is equitable for all vehicle  
7 types and classes; and

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

10 Delete lines 4 through 11 and insert:

11

12 **“INTERSTATE 5 BRIDGE REPLACEMENT PROJECT**

13

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

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

17 **“(2) As used in ORS 381.005 to 381.020, ‘Interstate 5 bridge replace-**  
18 **ment project’ means** a bistate, multimodal corridor improvement project  
19 between the Washington State Route 500 interchange with Interstate 5 in  
20 Vancouver, Washington, and the **Columbia Slough, south of the** Victory  
21 Boulevard interchange with Interstate 5 in Portland, Oregon[. *The project*],  
22 **that** includes:

23 “[1] **(a)** New multimodal river crossings;

24 “[2] **(b)** Replacement, modification and removal of the existing Interstate  
25 5 bridges;

26 “[3] **(c)** Improvements to existing interchanges; and

27 “[4] **(d)** Multimodal improvements to facilitate travel in the bistate  
28 corridor.

29

30 **“FINANCING FOR**

1 INTERSTATE 5 BRIDGE REPLACEMENT PROJECT

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

5 **“SECTION 3. (1) The total cost of the Interstate 5 bridge replace-**  
6 **ment project may not exceed \$6.3 billion after the effective date of this**  
7 **2023 Act.**

8 **“(2) Beginning with the 2025 calendar year, the Department of**  
9 **Transportation shall annually adjust the Interstate 5 bridge replace-**  
10 **ment project limit amount specified in subsection (1) of this section**  
11 **by multiplying the amount by the percentage change in the monthly**  
12 **averaged Consumer Price Index for All Urban Consumers, West Region**  
13 **(All Items), as published by the Bureau of Labor Statistics of the**  
14 **United States Department of Labor, for the 12 consecutive months**  
15 **ending on the immediately preceding December 31 compared to the**  
16 **monthly averaged Consumer Price Index for All Urban Consumers,**  
17 **West Region (All Items), for the 12 consecutive months ending on**  
18 **December 31, 2024.**

19 **“(3) The Legislative Assembly intends to support the Interstate 5**  
20 **bridge replacement project through an investment of \$1 billion, fi-**  
21 **nanced through the issuance of general obligation bonds authorized**  
22 **under Article XI, section 7, of the Oregon Constitution, over the next**  
23 **four biennia and repaid with General Fund obligations.**

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

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

29 **“(b) To repay other borrowings for the Interstate 5 bridge replace-**  
30 **ment project; or**

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

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

8  
9                   **“INTERSTATE 5 BRIDGE REPLACEMENT PROJECT**  
10                   **REPORT AND FINDINGS**

11  
12       **“SECTION 5.** No later than February 1 of each year, the Depart-  
13 ment of Transportation shall prepare and submit a report, in the  
14 manner provided in ORS 192.245, to an appropriate committee or in-  
15 terim committee of the Legislative Assembly regarding the progress  
16 of the Interstate 5 bridge replacement project described in section 2,  
17 chapter 4, Oregon Laws 2013.

18       **“SECTION 6.** Section 5 of this 2023 Act is repealed on January 2,  
19 2041.

20  
21                   **“HIGHWAY COST ALLOCATION STUDY**

22  
23       **“SECTION 7.** ORS 366.506 is amended to read:

24       “366.506. (1) Once every two years, the Oregon Department of Adminis-  
25 trative Services shall conduct [*either a full*] **a** highway cost allocation study  
26 [*or an examination of data collected since the previous study*]. The [*purposes*]  
27 **purpose** of the study [*or examination of data are*] **is** to determine:

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

1 “(b) Whether the users of each class are paying that share.

2 “(2) Each study must include:

3 “(a) An examination of the most recent study period for which ac-  
4 tual data are available for the purpose of determining the accuracy  
5 of the most recently published study results; and

6 “(b) An examination of the prospective study period based on  
7 projected data for the purpose described in subsection (1) of this sec-  
8 tion.

9 “[2)] (3) The department may use any study design [it] **the department**  
10 determines will best accomplish the purposes stated in subsection (1) of this  
11 section. In designing the study, the department may make decisions that in-  
12 clude, but are not limited to, the methodology to be used for the study, what  
13 constitutes a class of vehicle for purposes of collection of data under sub-  
14 sections (1) to [(4)] (5) of this section and the nature and scope of costs that  
15 will be included in the study.

16 “[3)] (4) The department may appoint a study review team to participate  
17 in the study [or examination of data] required by subsection (1) of this sec-  
18 tion. The team may perform any functions assigned by the department, in-  
19 cluding, but not limited to, consulting on the design of the study.

20 “[4)] (5) A report on the results of the study [or examination of data]  
21 shall be submitted to the legislative revenue committees and the [legislative  
22 committees with primary responsibility for transportation] **Joint Committee**  
23 **on Transportation** by January 31 of each odd-numbered year.

24 “[5)] (6) The Legislative Assembly shall use the report described in  
25 [subsections (1) to (4)] **subsection (5)** of this section to determine whether  
26 adjustments to revenue sources described in **Article IX**, section 3a (3), [Ar-  
27 ticle IX] of the Oregon Constitution, are needed in order to carry out the  
28 purposes of **Article IX**, section 3a (3), [Article IX] of the Oregon Constitu-  
29 tion. If such adjustments are needed, the Legislative Assembly shall enact  
30 whatever measures are necessary to make the adjustments.

1       **“SECTION 8. (1) The Oregon Department of Administrative Services**  
2 **shall prepare and submit a report that includes an analysis of, at least,**  
3 **the three most recent reported highway cost allocation studies con-**  
4 **ducted under ORS 366.506.**

5       **“(2) For each of the three previous study periods, the analysis must:**

6       **“(a) Evaluate the amount that users of each class of vehicle actu-**  
7 **ally paid for the cost of maintenance, operation and improvement of**  
8 **highways, roads and streets in the state; and**

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

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

14       **“SECTION 9. Section 8 of this 2023 Act is repealed on January 2,**  
15 **2025.**

16  
17                   **“INTERSTATE 5 ROSE QUARTER PROJECT**  
18

19       **“SECTION 10. (1) The Legislative Assembly finds that, of the**  
20 **transportation projects listed in ORS 367.095, the Interstate 5 Rose**  
21 **Quarter Project, remains a priority project of statewide significance.**  
22 **Completion of the project will improve freight routes, supply Oregon**  
23 **through interstate commerce, enhance the flow of traffic in the City**  
24 **of Portland and reduce congestion.**

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

28       **“SECTION 11. Section 10 of this 2023 Act is repealed on January 2,**  
29 **2026.**

1        **SECTION 12.** Section 75, chapter 750, Oregon Laws 2017, is amended to  
2 read:

3        **“Sec. 75.** (1) The Oregon Transportation Commission shall conduct a  
4 study. The purpose of the study is to determine:

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

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

10       “(2) If the commission determines that users are not paying a propor-  
11 tionate share, then the commission may include in the report recommen-  
12 dations for legislation.

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

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

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

23       **SECTION 13.** (1) **The Joint Committee on Transportation shall**  
24 **study the adequacy of funding provided under chapter 750, Oregon**  
25 **Laws 2017, in meeting the transportation infrastructure requirements**  
26 **of this state.**

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

29       **SECTION 14.** Section 13 of this 2023 Act is repealed on January 2,  
30 **2025.**



1                                   **“CONFORMING AMENDMENTS**

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3       **“SECTION 15.** ORS 367.163 is amended to read:

4       “367.163. The State Treasurer, at the request of the Department of  
5 Transportation, may issue grant anticipation revenue bonds for the purposes  
6 of:

7       “(1) Financing highway improvement projects including highway im-  
8 provement projects already under way or scheduled;

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

11       “(3) Financing transportation projects;

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

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

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

18       **“SECTION 16.** ORS 383.003 is amended to read:

19       “383.003. As used in ORS 383.001 to 383.245:

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

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

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

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

26       “(3) ‘Private entity’ means any nongovernmental entity, including a cor-  
27 poration, partnership, company or other legal entity, or any natural person.

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

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

1 “(b) Will provide goods or services to the users of the tollway; or

2 “(c) Will generate revenue that may be used to reduce tolls or will be  
3 deposited in the Toll Program Fund.

4 “(5) ‘Toll’ means any fee or charge for the use of a tollway.

5 “(6) ‘Tollway’ means any roadway, path, highway, bridge, tunnel, railroad  
6 track, bicycle path or other paved surface or structure specifically designed  
7 as a land vehicle transportation route for the use of which tolls are assessed.

8 “(7) ‘Tollway operator’ means the unit of government or the private entity  
9 that is responsible for all or any portion of the construction, reconstruction,  
10 improvement, financing, maintenance, repair and operation of a tollway or  
11 a related facility.

12 “(8) ‘Tollway project’ means any capital project involving the develop-  
13 ment, operation or equipping of a tollway, related facilities or any portion  
14 thereof.

15 “(9) ‘Tollway project revenue bonds’ means revenue bonds designated as  
16 tollway project revenue bonds under ORS 383.200.

17 “(10) ‘Unit of government’ means any department or agency of the federal  
18 government, any state, any department or agency of a state, any bistate en-  
19 tity created by agreement under ORS 190.420 or other law for the purposes  
20 of the Interstate 5 bridge replacement project, **as defined in section 2,**  
21 **chapter 4, Oregon Laws 2013,** and any city, county, district, port or other  
22 public corporation organized and existing under statutory law or under a  
23 voter-approved charter.

24

25 “REPEALS

26

27 “SECTION 17. Sections 3, 11, 12 and 13, chapter 4, Oregon Laws 2013,  
28 **are repealed.**

29

30 “CAPTIONS

1       **“SECTION 18. The unit captions used in this 2023 Act are provided**  
2 **only for the convenience of the reader and do not become part of the**  
3 **statutory law of this state or express any legislative intent in the**  
4 **enactment of this 2023 Act.**

5

6

**“EFFECTIVE DATE**

7

8       **“SECTION 19. This 2023 Act being necessary for the immediate**  
9 **preservation of the public peace, health and safety, an emergency is**  
10 **declared to exist, and this 2023 Act takes effect on its passage.”.**

11

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