

House Bill 4060

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Joint Committee on Transportation)

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**.

Modifies and adds laws related to transportation.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to transportation; creating new provisions; amending ORS 184.612, 184.617, 184.621, 184.661, 184.751, 184.752, 184.758, 320.560, 366.483, 367.084, 367.089, 367.095, 377.707, 377.710, 377.765, 377.780, 801.041, 801.042, 803.445, 811.215, 818.225, 818.270 and 825.450 and section 2, chapter 823, Oregon Laws 2009, section 18, chapter 30, Oregon Laws 2010, and sections 71d, 129, 139, 149 and 150, chapter 750, Oregon Laws 2017; repealing ORS 367.089 and sections 56, 59 and 129, chapter 750, Oregon Laws 2017; and prescribing an effective date.

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

CONFLICTS OF INTEREST

SECTION 1. ORS 184.612 is amended to read:

184.612. (1) There is established the Oregon Transportation Commission consisting of five members appointed by the Governor, subject to confirmation by the Senate pursuant to [section 4,] Article III, **section 4**, Oregon Constitution. A member serves at the pleasure of the Governor.

(2) The Governor shall appoint members of the commission in compliance with all of the following:

(a) Members shall be appointed with consideration of the different geographic regions of the state with one member being a resident of the area east of the Cascade Range.

(b) Not more than three members who belong to one political party. Party affiliation shall be determined by the appropriate entry on official election registration cards.

(3) At the time of appointment, a member may not have any direct [*or indirect*] financial [*or fiduciary*] interest related to the commission's duties. If a conflict arises after a member's appointment, the member shall declare the conflict and abstain from deliberations and voting on the matter under consideration by the commission.

(4) The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.

(5) The Governor shall appoint one of the members as chairperson. The chairperson shall appoint one of the other members as vice chairperson. The chairperson and vice chairperson shall

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 have such terms, duties and powers as the Oregon Transportation Commission determines are nec-
 2 essary for the performance of such offices.

3 (6) A majority of the members of the commission constitutes a quorum. If a quorum is present
 4 at a meeting, the commission may take action by an affirmative vote by a majority of the members
 5 who are present. An individual member may not exercise individually any administrative authority
 6 with respect to the Department of Transportation.

7 (7) The commission shall meet at least quarterly, at a time and place determined by the com-
 8 mission. The commission shall also meet at such other times and places as are specified by the call
 9 of the chairperson or of a majority of the commission.

10 (8) A vacancy does not impair the right of the remaining members to exercise all the powers
 11 of the commission, except that three members of the commission must agree in the selection, vaca-
 12 tion or abandonment of state highways, and in case the members are unable to agree the Governor
 13 shall have the right to vote as a member of the commission.

14 (9) The commission shall keep complete and accurate records of all the meetings, transactions
 15 and business of the commission at the office of the department.

16 (10) The commission may provide an official seal.

17 (11) The commission may hire staff the commission deems necessary to assist the commission in
 18 carrying out its duties. The staff shall be considered employees of the department for purposes of
 19 the State Personnel Relations Law under ORS chapter 240.

20 (12) A member of the commission is entitled to compensation and expenses as provided by ORS
 21 292.495.

22
 23 **LONG-RANGE PLANS**
 24

25 **SECTION 2.** ORS 184.617 is amended to read:

26 184.617. (1) The Oregon Transportation Commission shall:

27 (a) Establish the policies for the operation of the Department of Transportation in a manner
 28 consistent with the policies and purposes of ORS 184.610 to 184.665.

29 (b) Develop and maintain state transportation policies, including but not limited to policies re-
 30 lated to the management, construction and maintenance of highways and other transportation sys-
 31 tems in Oregon, including but not limited to aviation, ports and rail.

32 (c) Develop and maintain a comprehensive, 20-year long-range plan for a safe, multimodal
 33 transportation system for the state which encompasses economic efficiency, orderly economic de-
 34 velopment and environmental quality. The comprehensive, long-range plan:

35 (A) Must *[include,]* **take into consideration all modes of transportation in this state, in-**
 36 **cluding** but not *[be]* limited to, aviation, highways, mass transit, ports, rails and waterways; and

37 (B) Must be used by all agencies and officers to guide and coordinate transportation activities
 38 and to ensure transportation planning utilizes the potential of all existing and developing modes of
 39 transportation.

40 (d) In coordination with the State Marine Board, the Oregon Business Development Department,
 41 the State Aviation Board, cities, counties, mass transit districts organized under ORS 267.010 to
 42 267.390 and transportation districts organized under ORS 267.510 to 267.650, develop plans for each
 43 mode of transportation and multimodal plans for the movement of people and freight. *[Subject to*
 44 *paragraph (c) of this subsection, the plans must include a list of projects needed to maintain and de-*
 45 *velop the transportation infrastructure of this state for at least 20 years in the future.]* **Each individual**

1 **modal and multimodal plan must include a strategic investment strategy to inform future**
2 **project selection within the Statewide Transportation Improvement Program.**

3 (e) *[For the plans developed under paragraph (d) of this subsection, include a list of projects for*
4 *at least 20 years into the future that are capable of being accomplished using the resources reasonably*
5 *expected to be available.]* As the plans are developed by the commission **under paragraph (d) of this**
6 **subsection**, the Director of Transportation shall prepare and submit implementation programs to
7 the commission for approval. Work approved by the commission to carry out the plans shall be
8 assigned to the appropriate unit of the Department of Transportation or other appropriate public
9 body, as defined in ORS 174.109.

10 (f) Initiate studies, as it deems necessary, to guide the director concerning the transportation
11 needs of Oregon.

12 (g) Prescribe the administrative practices followed by the director in the performance of any
13 duty imposed on the director by law.

14 (h) Seek to enter into intergovernmental agreements with local governments and local service
15 districts, as those terms are defined in ORS 174.116, to encourage cooperation between the depart-
16 ment and local governments and local service districts to maximize the efficiency of transportation
17 systems in Oregon.

18 (i) Review and approve the department's:

19 (A) Proposed transportation projects, as described in the Statewide Transportation Improvement
20 Program, and any significant transportation project modifications, as determined by the commission;

21 (B) Proposed budget form prior to the department submitting the form to the Oregon Department
22 of Administrative Services under ORS 291.208;

23 (C) Anticipated capital construction requirements;

24 (D) Construction priorities; and

25 (E) Selection, vacation or abandonment of state highways.

26 (j) Adopt a statewide transportation strategy on greenhouse gas emissions to aid in achieving
27 the greenhouse gas emissions reduction goals set forth in ORS 468A.205. The commission shall focus
28 on reducing greenhouse gas emissions resulting from transportation. In developing the strategy, the
29 commission shall consider state and federal programs, policies and incentives related to reducing
30 greenhouse gas emissions. The commission shall consult and cooperate with metropolitan planning
31 organizations, other state agencies, local governments and stakeholders and shall actively solicit
32 public review and comment in the development of the strategy.

33 (k) Perform any other duty vested in it by law.

34 (2) The commission has general power to take any action necessary to coordinate and administer
35 programs relating to highways, motor carriers, motor vehicles, public transit, rail, transportation
36 safety and such other programs related to transportation.

37 (3) The commission may require the director to furnish whatever reports, statistics, information
38 or assistance the commission may request in order to study the department or transportation-related
39 issues.

40
41 **SMALL CITY REPORTING REQUIREMENTS**

42
43 **SECTION 3.** ORS 184.661 is amended to read:

44 184.661. (1) The Oregon Transportation Commission, through the Department of Transportation,
45 shall develop a website.

1 (2) The website must include:

2 (a) A list of all transportation projects in the Statewide Transportation Improvement Program
3 and for each project the website must include:

4 (A) A description of the project and the project benefits;

5 (B) The estimated cost and estimated completion date;

6 (C) Updated information about the projects as they proceed, including the actual amount spent
7 to date on the project; and

8 (D) After a project is completed, updated information, including the amount a project is under
9 or over the original estimated cost and whether a project was completed by the original estimated
10 completion date.

11 (b) Information on the reports required under ORS 366.774 and 366.790 for all cities **with a**
12 **population of 5,000 or greater** and counties in the state, including the amount of transportation
13 funds collected by each county and city and the source of the funds and the amount of money spent
14 on transportation projects by type of expenditure as listed in ORS 366.774 (2) and 366.790 (2). This
15 information shall be displayed for the most current six-year period.

16 (c) Information on the condition of Oregon's transportation infrastructure, as required under
17 ORS 184.657.

18 (d) Information about the results the audits performed pursuant to ORS 184.639.

19 (e) Links to all available county and city transportation project websites.

20 (f) Links to websites about transportation projects receiving moneys from the Connect Oregon
21 Fund.

22
23 **PROXIMITY TO AGGREGATE SITES**
24

25 **SECTION 4.** ORS 184.621 is amended to read:

26 184.621. The Oregon Transportation Commission shall work with stakeholders to review and
27 update the criteria used to select projects within the Statewide Transportation Improvement Pro-
28 gram. When revising the project selection criteria the commission shall consider whether the
29 project:

30 (1) Improves the state highway system or major access routes to the state highway system on
31 the local road system to relieve congestion by expanding capacity, enhancing operations or other-
32 wise improving travel times within high-congestion corridors.

33 (2) Enhances the safety of the traveling public by decreasing traffic crash rates, promoting the
34 efficient movement of people and goods and preserving the public investment in the transportation
35 system.

36 (3) Supports improvements necessary for Oregon's economic growth and competitiveness, acces-
37 sibility to industries and economic development.

38 (4) Provides the greatest benefit in relation to project costs as analyzed under ORS 184.659.

39 (5) Fosters livable communities by demonstrating that the investment does not undermine
40 sustainable urban development.

41 (6) Enhances the value of transportation projects through designs and development that reflect
42 environmental stewardship and community sensitivity.

43 (7) Is consistent with the state's greenhouse gas emissions reduction goals and reduces Oregon's
44 dependence on foreign oil.

45 (8) To the extent practicable, ensures that the state's transportation infrastructure is resilient

1 in the event of a natural disaster.

2 *[(9) Is located near operations conducted for mining aggregate or processing aggregate as described*
 3 *in ORS 215.213 (2)(d) or 215.283 (2)(b).]*

4 **SECTION 5.** ORS 367.084 is amended to read:

5 367.084. (1) The Oregon Transportation Commission shall select transportation projects to be
 6 funded with moneys in the Connect Oregon Fund established under ORS 367.080.

7 (2)(a) Prior to selecting transportation projects, the commission shall seek input from the appli-
 8 cable area commission on transportation.

9 (b) Prior to selecting aeronautic and airport transportation projects, the commission shall solicit
 10 recommendations from the State Aviation Board.

11 (c) Prior to selecting freight transportation projects, the commission shall solicit recommen-
 12 dations from the Freight Advisory Committee.

13 (d) Prior to selecting rail projects, the commission shall solicit recommendations from the rail
 14 advisory committee.

15 (e) Prior to selecting marine projects, the commission shall solicit recommendations from the
 16 Oregon Business Development Department.

17 (f) Prior to selecting bicycle and pedestrian projects, the commission shall solicit recommen-
 18 dations from the advisory committee created by ORS 366.112.

19 (3) The commission shall divide the Connect Oregon program into two parts to be known as
 20 Connect Oregon Part One and Connect Oregon Part Two.

21 (4) Connect Oregon Part One consists of transportation projects that involve one or more of the
 22 following modes of transportation:

- 23 (a) Air;
- 24 (b) Marine;
- 25 (c) Rail; and
- 26 (d) Bicycle and pedestrian.

27 (5) Connect Oregon Part Two consists of transportation projects that:

- 28 (a) Are transportation projects of statewide significance; and
- 29 (b) Enhance or maintain one or more of the following modes of transportation:
 - 30 (A) Air;
 - 31 (B) Marine;
 - 32 (C) Class I railroads;
 - 33 (D) Class II railroads; or
 - 34 (E) Class III railroads.

35 (6) In selecting transportation projects within Connect Oregon Part One, the commission shall
 36 consider:

- 37 (a) Whether a proposed transportation project reduces transportation costs for Oregon busi-
 38 nesses or improves access to jobs and sources of labor;
- 39 (b) Whether a proposed transportation project results in an economic benefit to this state;
- 40 (c) Whether a proposed transportation project is a critical link connecting elements of Oregon's
 41 transportation system that will measurably improve utilization and efficiency of the system;
- 42 (d) How much of the cost of a proposed transportation project can be borne by the applicant for
 43 the grant from any source other than the Connect Oregon Fund;
- 44 (e) Whether a proposed transportation project is ready for construction; **and**
- 45 (f) Whether a proposed transportation project has a useful life expectancy that offers maximum

1 benefit to the state[; *and*].

2 [(g) *Whether a proposed transportation project is located near operations conducted for mining*
 3 *aggregate or processing aggregate as described in ORS 215.213 (2)(d) or 215.283 (2)(b).]*

4 (7) The commission may award grants only for bicycle and pedestrian transportation projects
 5 that expand and improve commuter routes for nonmotorized vehicles and pedestrians, including bi-
 6 cycle trails, footpaths and multiuse trails.

7 (8) In selecting marine enhancement transportation projects within Connect Oregon Part Two,
 8 the commission shall consider whether a proposed transportation project:

9 (a) Is located in a deepwater port;

10 (b) Is located in a port with commercial activities where freight is transferred between water
 11 and another mode of freight transport;

12 (c) Improves efficiency of port operations or transportation system;

13 (d) Improves accessibility, connections, safety or mobility between a port and another modes of
 14 transportation;

15 (e) Has a significant economic benefit to this state including but not limited to adding jobs, re-
 16 taining a high number of existing jobs or supporting business expansion at a port facility; and

17 (f) Leverages private funding.

18 (9) In selecting marine maintenance transportation projects within Connect Oregon Part Two,
 19 the commission shall consider whether a proposed transportation project:

20 (a) Maintains or improves channel depth or width;

21 (b) Preserves high-use or high-volume dock or pier infrastructure;

22 (c) Maintains connections to a port facility, including railroads or highways; and

23 (d) Preserves critical equipment necessary to maintain port functionality including but not lim-
 24 ited to cranes, lifts, hoists and moorings.

25 (10) In selecting Class II or III railroad enhancement transportation projects within Connect
 26 Oregon Part Two, the commission shall consider whether a proposed transportation project:

27 (a) Allows a Class II or III railroad to transport a substantial volume or value of freight in re-
 28 lation to other Class II or III railroads;

29 (b) Connects a Class II or III railroad to a deepwater port;

30 (c) Improves efficiency of the line;

31 (d) Improves capacity of the line;

32 (e) Connects to new or expanding businesses requiring rail service; and

33 (f) Improves connectivity with Class I railroads.

34 (11) In selecting Class II or III railroad maintenance transportation projects within Connect
 35 Oregon Part Two, the commission shall consider whether a proposed transportation project:

36 (a) Maintains or increases functionality of the railroad;

37 (b) Maintains or improves a critical bridge, tunnel or other structure necessary to maintain rail
 38 service;

39 (c) Provides jobs to economically disadvantaged areas, as determined by the Oregon Business
 40 Development Department by rule;

41 (d) Helps protect critical rail infrastructure from seismic vulnerability;

42 (e) Improves railroads that serve industries that are important to this state;

43 (f) Increases the volume or value of freight; and

44 (g) Improves connections to highways or intermodal terminals.

45 (12) In selecting Class I railroad enhancement transportation projects within Connect Oregon

1 Part Two, the commission shall consider whether a proposed transportation project:

- 2 (a) Eliminates or improves an identified rail congestion point;
- 3 (b) Improves the capacity or efficiency of the rail system;
- 4 (c) Has a strong benefit to Oregon’s economy;
- 5 (d) Improves operations and efficiency of shared rail passenger service providers;
- 6 (e) Improves accessibility to ports or other intermodal terminals; and
- 7 (f) Improves the safety or reliability of the rail system.

8 (13) In selecting Class I railroad maintenance transportation projects within Connect Oregon
9 Part Two, the commission shall consider whether a proposed transportation project:

- 10 (a) Connects to Class II or III railroads, ports, intermodal terminals or highways; and
- 11 (b) Improves seismically vulnerable portions of the railroad or bridges.

12 (14) To receive a grant under Connect Oregon Part Two a proposed aviation transportation
13 project must benefit a category I, II, III or IV airport, as defined by the Oregon Department of
14 Aviation by rule and the airport must be eligible for federal matching funds. In addition the com-
15 mission shall consider whether a proposed transportation project:

- 16 (a) Facilitates rescue or recovery efforts following a seismic event;
- 17 (b) Serves joint military and civilian operations; or
- 18 (c) Facilitates expanded commercial service, excluding the acquisition or operation of aircraft.

19 (15) To promote fairness in the selection process, the Director of Transportation may not choose
20 a member of a final review committee:

- 21 (a) Who represents an entity that submitted an application for a Connect Oregon Fund grant
22 that is being considered for funding by a final review committee; or
- 23 (b) Has a direct financial interest in an application that is being considered for funding by a
24 final review committee.

25
26 **COUNTY AND DISTRICT IMPOSED VEHICLE REGISTRATION FEES**

27
28 **SECTION 6.** ORS 803.445 is amended to read:

29 803.445. (1) The governing body of a county may impose registration fees for vehicles as pro-
30 vided in ORS 801.041.

31 (2) The governing body of a district may impose registration fees for vehicles as provided in ORS
32 801.042.

33 (3) The Department of Transportation shall provide by rule for the administration of laws au-
34 thorizing county and district registration fees and for the collection of those fees.

35 (4) Any registration fee imposed under this section shall be imposed in a manner consistent with
36 ORS 803.420.

37 (5) *[No county or district]* **A county or district may not** impose a vehicle registration fee that
38 would by itself, or in combination with any other vehicle registration fee imposed under this section,
39 exceed the amount of the fee imposed under ORS 803.420 (6)(a) **and the fee applicable to the reg-**
40 **istered vehicle under ORS 803.422.** The owner of any vehicle subject to multiple fees under this
41 section shall be allowed a credit or credits with respect to one or more of such fees so that the total
42 of such fees does not exceed the amount of the fee imposed under ORS 803.420 (6)(a) **and the fee**
43 **applicable to the registered vehicle under ORS 803.422.**

44 **SECTION 7.** ORS 801.041 is amended to read:

45 801.041. The following apply to the authority granted to counties by ORS 801.040 to establish

1 registration fees for vehicles:

2 (1) An ordinance establishing registration fees under this section must be enacted by the county
3 imposing the registration fee and filed with the Department of Transportation. Notwithstanding
4 ORS 203.055 or any provision of a county charter, the governing body of a county with a population
5 of 350,000 or more may enact an ordinance establishing registration fees. The governing body of a
6 county with a population of less than 350,000 may enact an ordinance establishing registration fees
7 after submitting the ordinance to the electors of the county for their approval. The governing body
8 of the county imposing the registration fee shall enter into an intergovernmental agreement under
9 ORS 190.010 with the department by which the department shall collect the registration fees, pay
10 them over to the county and, if necessary, allow the credit or credits described in ORS 803.445 (5).
11 The intergovernmental agreement must state the date on which the department shall begin collect-
12 ing registration fees for the county.

13 (2) The authority granted by this section allows the establishment of registration fees in addition
14 to those described in ORS 803.420 **and 803.422**. There is no authority under this section to affect
15 registration periods, qualifications, cards, plates, requirements or any other provision relating to
16 vehicle registration under the vehicle code.

17 (3) Except as otherwise provided for in this subsection, when registration fees are imposed under
18 this section, they must be imposed on all vehicle classes. Registration fees as provided under this
19 section may not be imposed on the following:

20 (a) Snowmobiles and Class I all-terrain vehicles.

21 (b) Fixed load vehicles.

22 (c) Vehicles registered under ORS 805.100 to disabled veterans.

23 (d) Vehicles registered as antique vehicles under ORS 805.010.

24 (e) Vehicles registered as vehicles of special interest under ORS 805.020.

25 (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.

26 (g) School buses or school activity vehicles registered under ORS 805.050.

27 (h) Law enforcement undercover vehicles registered under ORS 805.060.

28 (i) Vehicles registered on a proportional basis for interstate operation.

29 (j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (14)(a)
30 or (b).

31 (k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.

32 (L) Travel trailers, campers and motor homes.

33 (m) Vehicles registered to an employment address as provided in ORS 802.250 when the eligible
34 public employee or household member's residence address is not within the county of the employ-
35 ment address. The department may adopt rules it considers necessary for the administration of this
36 paragraph.

37 (n) Vehicles registered under ORS 805.110 to former prisoners of war.

38 (4) Any registration fee imposed by a county must be a fixed amount not to exceed, with respect
39 to any vehicle class, the registration fee established under ORS 803.420 (6)(a) **and the fee applicable**
40 **to the registered vehicle under ORS 803.422**. For vehicles on which a flat fee is imposed under
41 ORS 803.420, the fee must be a whole dollar amount.

42 (5) Moneys from registration fees established under this section must be paid to the county es-
43 tablishing the registration fees as provided in ORS 802.110. The county ordinance shall provide for
44 payment of at least 40 percent of the moneys to cities within the county unless a different distrib-
45 ution is agreed upon by the county and the cities within the jurisdiction of the county. The moneys

1 for the cities and the county shall be used for any purpose for which moneys from registration fees
 2 may be used, including the payment of debt service and costs related to bonds or other obligations
 3 issued for such purposes.

4 (6) Two or more counties may act jointly to impose a registration fee under this section. The
 5 ordinance of each county acting jointly with another under this subsection must provide for the
 6 distribution of moneys collected through a joint registration fee.

7 **SECTION 8.** ORS 801.042 is amended to read:

8 801.042. The following apply to the authority granted to a district by ORS 801.040 to establish
 9 registration fees for vehicles:

10 (1) Before the governing body of a district can impose a registration fee under this section, it
 11 must submit the proposal to the electors of the district for their approval and, if the proposal is
 12 approved, enter into an intergovernmental agreement under ORS 190.010 with the governing bodies
 13 of all counties, other districts and cities with populations of over 300,000 that overlap the district.
 14 The intergovernmental agreement must state the registration fees and, if necessary, how the revenue
 15 from the fees shall be apportioned among counties and the districts. Before the governing body of
 16 a county can enter into such an intergovernmental agreement, the county shall consult with the
 17 cities in its jurisdiction.

18 (2) If a district raises revenues from a registration fee for purposes related to highways, roads,
 19 streets and roadside rest areas, the governing body of that district shall establish a Regional Ar-
 20 terial Fund and shall deposit in the Regional Arterial Fund all such registration fees.

21 (3) Interest received on moneys credited to the Regional Arterial Fund shall accrue to and be-
 22 come a part of the Regional Arterial Fund.

23 (4) The Regional Arterial Fund must be administered by the governing body of the district re-
 24 ferred to in subsection (2) of this section and such governing body by ordinance may disburse mon-
 25 eys in the Regional Arterial Fund. Moneys within the Regional Arterial Fund may be disbursed only
 26 for a program of projects recommended by a joint policy advisory committee on transportation
 27 consisting of local officials and state agency representatives designated by the district referred to
 28 in subsection (2) of this section. The projects for which the joint policy advisory committee on
 29 transportation can recommend funding must concern arterials, collectors or other improvements
 30 designated by the joint policy advisory committee on transportation.

31 (5) Ordinances establishing registration fees under this section must be filed with the Depart-
 32 ment of Transportation. The governing body of the district imposing the registration fee shall enter
 33 into an intergovernmental agreement under ORS 190.010 with the department by which the depart-
 34 ment shall collect the registration fees, pay them over to the district and, if necessary, allow the
 35 credit or credits described in ORS 803.445 (5). The intergovernmental agreement must state the date
 36 on which the department shall begin collecting registration fees for the district.

37 (6) The authority granted by this section allows the establishment of registration fees in addition
 38 to those described in ORS 803.420 **and 803.422**. There is no authority under this section to affect
 39 registration periods, qualifications, cards, plates, requirements or any other provision relating to
 40 vehicle registration under the vehicle code.

41 (7) Except as otherwise provided for in this subsection, when registration fees are imposed under
 42 this section, the fees must be imposed on all vehicle classes. Registration fees as provided under this
 43 section may not be imposed on the following:

- 44 (a) Snowmobiles and Class I all-terrain vehicles.
- 45 (b) Fixed load vehicles.

- 1 (c) Vehicles registered under ORS 805.100 to disabled veterans.
- 2 (d) Vehicles registered as antique vehicles under ORS 805.010.
- 3 (e) Vehicles registered as vehicles of special interest under ORS 805.020.
- 4 (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.
- 5 (g) School buses or school activity vehicles registered under ORS 805.050.
- 6 (h) Law enforcement undercover vehicles registered under ORS 805.060.
- 7 (i) Vehicles registered on a proportional basis for interstate operation.
- 8 (j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (14)(a)
- 9 or (b).
- 10 (k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.
- 11 (L) Travel trailers, campers and motor homes.
- 12 (m) Vehicles registered to an employment address as provided in ORS 802.250 when the eligible
- 13 public employee or household member's residence address is not within the county of the employ-
- 14 ment address. The department may adopt rules it considers necessary for the administration of this
- 15 paragraph.
- 16 (n) Vehicles registered under ORS 805.110 to former prisoners of war.
- 17 (8) Any registration fee imposed by the governing body of a district must be a fixed amount not
- 18 to exceed, with respect to any vehicle class, the registration fee established under ORS 803.420 (6)(a)
- 19 **and the fee applicable to the registered vehicle under ORS 803.422.** For vehicles on which a flat
- 20 fee is imposed under ORS 803.420, the fee must be a whole dollar amount.

21

22 **TRUCKING RELATED FEE INCREASES**

23

24 **SECTION 9.** ORS 818.225, as amended by section 52, chapter 750, Oregon Laws 2017, is

25 amended to read:

26 818.225. (1) As used in this section, "equivalent single-axle load" means the relationship between

27 actual or requested weight and an 18,000 pound single-axle load as determined by the American

28 Association of State Highway and Transportation Officials Road Tests reported at the Proceedings

29 Conference of 1962.

30 (2)(a) In addition to any fee for a single-trip nondivisible load permit, a person who is issued the

31 permit or who operates a vehicle in a manner that requires the permit is liable for payment of a

32 road use assessment fee of [*eleven and eight-tenths*] _____ cents per equivalent single-axle load

33 mile traveled.

34 (b) If the road use assessment fee is not collected at the time of issuance of the permit, the de-

35 partment shall bill the permittee for the amount due. The account shall be considered delinquent if

36 not paid within 60 days of billing.

37 (c) The miles of travel authorized by a single-trip nondivisible load permit shall be exempt from

38 taxation under ORS chapter 825.

39 (3) The department may adopt rules:

40 (a) To standardize the determination of equivalent single-axle load computation based on aver-

41 age highway conditions; and

42 (b) To establish procedures for payment, collection and enforcement of the fees and assessments

43 established by this chapter.

44 **SECTION 10.** ORS 818.270, as amended by section 55, chapter 750, Oregon Laws 2017, is

45 amended to read:

1 818.270. (1) The fee for issuance of a variance permit under ORS 818.200 may be any amount
 2 determined by a road authority, not to exceed ~~[\$10]~~ **\$8**. If the variance permit is issued by a private
 3 contractor, the contractor may charge an additional fee not to exceed ~~[\$7]~~ **\$5**.

4 (2) The fee for issuance of a sifting or leaking load permit under ORS 818.230 is ~~[\$10]~~ **\$8**.

5 (3) The fee for issuance of a dragging permit under ORS 818.240 is ~~[\$10]~~ **\$8**.

6 (4) The fee for issuance of a permit under ORS 818.260 for the use of bus safety lights is a fee
 7 established by rule by the Department of Transportation. Any fee established for purposes of this
 8 subsection may not exceed the actual costs of issuing the permit.

9 **SECTION 11.** ORS 825.450, as amended by section 58, chapter 750, Oregon Laws 2017, is
 10 amended to read:

11 825.450. (1) Except as otherwise permitted under ORS 825.470, the Department of Transportation
 12 shall issue a receipt stating the combined weight of each self-propelled or motor-driven vehicle and
 13 any train or combination of vehicles to be used with the self-propelled or motor-driven vehicle.

14 (2) A person may not load any motor vehicle in excess of its combined weight permit rating
 15 determined under subsection (1) of this section except as variations may necessarily result in pas-
 16 senger loading. A fee of ~~[\$10]~~ **\$8** shall be paid to the department for each weight receipt issued.

17 (3) Receipts issued under this section are valid from the first day of any calendar quarter to the
 18 last day of the fourth consecutive calendar quarter. Each carrier may select the calendar quarter
 19 in which the period will begin except that, if necessary for administrative convenience, the depart-
 20 ment may require a carrier to adopt a starting date chosen by the department.

21 (4) All vehicles operating under the carrier's authority shall have the same four-quarter period
 22 of receipt validity. The department may allow a carrier to operate with expired receipts for up to
 23 one extra quarter if the renewal application has been submitted and the required fees have been
 24 paid on or before the last day of the period of validity of the receipt. The extension of time allowed
 25 by this subsection shall be granted only if the department determines that the extension is necessary
 26 for the administrative convenience of the department.

27 (5) The department may adopt rules necessary to administer the provisions of this section.

28 **SECTION 12. Sections 56 and 59, chapter 750, Oregon Laws 2017, are repealed.**

29 **SECTION 13.** Section 139, chapter 750, Oregon Laws 2017, is amended to read:

30 **Sec. 139.** *[(1) Sections 32 and 37 of this 2017 Act and the amendments to ORS 803.420, 803.645,*
 31 *818.225, 818.270, 825.450, 825.476 and 825.480 by sections 34, 48, 51, 54, 57, 63 and 66 of this 2017 Act*
 32 *become operative on January 1, 2018.]*

33 *[(2)]* (1) The amendments to ORS 826.023 by section 70, **chapter 750, Oregon Laws 2017,** *[of this*
 34 *2017 Act]* become operative on January 1, 2020.

35 *[(3) The amendments to sections 32 and 37 of this 2017 Act by sections 33 and 38 of this 2017 Act*
 36 *and the amendments to ORS 803.420 by section 35 of this 2017 Act become operative on January 1,*
 37 *2022.]*

38 (2) **The amendments to ORS 803.091, 803.420 and 803.422 by sections 33, 35 and 38, chapter**
 39 **750, Oregon Laws 2017, become operative on January 1, 2022.**

40 *[(4)]* (3) The amendments to ORS 803.645, 818.225, *[818.270, 825.450,]* 825.476 and 825.480 by
 41 sections 49, 52, *[55, 58,]* 64 and 67, **chapter 750, Oregon Laws 2017,** *[of this 2017 Act]* become op-
 42 erative on January 1, 2024.

43
 44 **ALLOCATION OF FUNDS**
 45

SECTION 14. ORS 367.095 is amended to read:

367.095. (1) The following amounts shall be distributed in the manner prescribed in this section:

(a) The amount attributable to the increase in tax rates by section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

(b) The amount attributable to the vehicle registration and title fees imposed under ORS 803.091 and 803.422.

(c) The amount attributable to the increase in taxes and fees by the amendments to ORS 803.420, 803.645, 818.225, [818.270, 825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, [54, 55, 57, 58,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

(2) The amounts described in subsection (1) of this section shall be distributed in the following order and for the following purposes:

(a) For calendar years beginning on or after January 1, 2022, \$30 million shall be used for the Interstate 5 Rose Quarter Project. This amount shall be used for the Interstate 5 Rose Quarter Project only until the later of the date on which the project is completed or on which all bonds issued to fund the project have been repaid.

(b) \$10 million per year shall be deposited into the Safe Routes to Schools Fund for the purpose of providing Safe Routes to Schools matching grants under ORS 184.742. The remainder of the moneys shall be distributed as described in subsection (3) of this section.

(3) The moneys described in subsection (1) of this section that remain after the allocation of moneys described in subsection (2) of this section shall be allocated as follows:

(a) 50 percent to the Department of Transportation.

(b) 30 percent to counties for distribution as provided in ORS 366.762.

(c) 20 percent to cities for distribution as provided in ORS 366.800.

(4) The moneys described in subsection (3)(a) of this section or equivalent amounts that become available to the Department of Transportation shall be allocated as follows:

(a) \$10 million for safety.

(b) Of the remaining balance:

[(A) *Forty percent for bridges.*]

[(B) *Thirty percent for seismic improvements related to highways and bridges.*]

[(C) *Twenty-four percent for state highway pavement preservation and culverts.*]

[(D) *Six percent for state highway maintenance and safety improvements.*]

(A) Forty percent for bridges and seismic improvements.

(B) Forty percent for state highway pavement preservation and culverts.

(C) Twenty percent for state highway maintenance, operations and safety improvements.

SECTION 15. ORS 367.095, as amended by section 71b, chapter 750, Oregon Laws 2017, is amended to read:

367.095. (1) The following amounts shall be distributed in the manner prescribed in this section:

(a) The amount attributable to the increase in tax rates by section 45, chapter 750, Oregon Laws 2017, and the amendments to ORS 319.020 and 319.530 by sections 40 to 43, chapter 750, Oregon Laws 2017.

(b) The amount attributable to the vehicle registration and title fees imposed under ORS 803.091 and 803.422.

(c) The amount attributable to the increase in taxes and fees by the amendments to ORS 803.420, 803.645, 818.225, [818.270, 825.450,] 825.476, 825.480 and 826.023 by sections 34, 35, 48, 49, 51, 52, [54,

1 55, 57, 58,] 63, 64, 66, 67 and 70, chapter 750, Oregon Laws 2017.

2 (2) The amounts described in subsection (1) of this section shall be distributed in the following
3 order and for the following purposes:

4 (a) \$30 million shall be used for the Interstate 5 Rose Quarter Project. This amount shall be used
5 for the Interstate 5 Rose Quarter Project only until the later of the date on which the project is
6 completed or on which all bonds issued to fund the project have been repaid.

7 (b) \$15 million per year shall be deposited into the Safe Routes to Schools Fund for the purpose
8 of providing Safe Routes to Schools matching grants under ORS 184.742. The remainder of the
9 moneys shall be distributed as described in subsection (3) of this section.

10 (3) The moneys described in subsection (1) of this section that remain after the allocation of
11 moneys described in subsection (2) of this section shall be allocated as follows:

12 (a) 50 percent to the Department of Transportation.

13 (b) 30 percent to counties for distribution as provided in ORS 366.762.

14 (c) 20 percent to cities for distribution as provided in ORS 366.800.

15 (4) The moneys described in subsection (3)(a) of this section or equivalent amounts that become
16 available to the Department of Transportation shall be allocated as follows:

17 (a) \$10 million for safety.

18 (b) Of the remaining balance:

19 [(A) *Forty percent for bridges.*]

20 [(B) *Thirty percent for seismic improvements related to highways and bridges.*]

21 [(C) *Twenty-four percent for state highway pavement preservation and culverts.*]

22 [(D) *Six percent for state highway maintenance and safety improvements.*]

23 **(A) Forty percent for bridges and seismic improvements.**

24 **(B) Forty percent for state highway pavement preservation and culverts.**

25 **(C) Twenty percent for state highway maintenance, operations and safety improvements.**

26
27 **FUNDING FOR SPECIFIED PROJECTS**

28
29 **SECTION 16.** Section 71d, chapter 750, Oregon Laws 2017, is amended to read:

30 **Sec. 71d.** (1) **On and after January 1, 2020,** the Oregon Transportation Commission shall use
31 the proceeds of bonds, as defined in ORS 367.010, authorized under ORS 367.620 (3)(d) to finance the
32 transportation projects listed in this section. The commission shall determine the order of com-
33 pletion for the projects listed in subsection (2) of this section.

34 (2) No later than January 1, 2024, the commission shall allocate the following amounts to each
35 region, as described in ORS 366.805, for the projects listed below, provided that the commission de-
36 termines that the projects could constitutionally be funded by revenues described in Article IX,
37 section 3a, of the Oregon Constitution:

- 38
39
40 (a) Region 1:..... \$ 249,700,000
41 (A) State Highway 211
42 improvements beginning where
43 the highway intersects with
44 State Highway 213 and ending
45 where the highway intersects

- 1 Molalla Avenue in the
- 2 City of Molalla
- 3 (B) WaNaPa Street improvements
- 4 in the City of Cascade
- 5 Locks
- 6 (C) Port of Hood River bridge
- 7 replacement environmental
- 8 impact study
- 9 (D) Columbia Boulevard
- 10 pedestrian safety
- 11 (E) Southeast Powell
- 12 Boulevard jurisdiction
- 13 transfer as described
- 14 under [section 134
- 15 of this 2017 Act] **ORS 366.483**
- 16 (F) Interstate 205 active traffic
- 17 management project
- 18 (G) Interstate 205 corridor
- 19 bottleneck project
- 20 (H) State Highway 217
- 21 Northbound project
- 22 (I) State Highway 217
- 23 Southbound project
- 24 (J) Improvements to Graham
- 25 Road where it intersects
- 26 with Interstate 84 in
- 27 the City of Troutdale
- 28 (b) Region 2:..... \$ 201,950,000
- 29 (A) Oregon Manufacturing
- 30 Innovation Center
- 31 Access Roads in Columbia
- 32 County
- 33 (B) Interstate 5 at the
- 34 Aurora-Donald interchange,
- 35 Phase I
- 36 (C) State Highway 99E in
- 37 the City of Halsey
- 38 (D) State Highway 214
- 39 pedestrian safety
- 40 improvements at the
- 41 intersection with
- 42 Jefferson Street in the
- 43 City of Silverton
- 44 (E) Territorial Highway
- 45 jurisdiction transfer

- 1 as described under
- 2 [section 134 of this
- 3 this 2017 Act] **ORS 366.483**
- 4 (F) U.S. Highway 20 safety
- 5 upgrades from the
- 6 City of Albany to the
- 7 City of Corvallis
- 8 (G) State Highway 58, adding
- 9 passing lanes west of the
- 10 City of Oakridge
- 11 (H) State Highway 22 and Center
- 12 Street Bridge, seismic
- 13 retrofit in the City
- 14 of Salem
- 15 (I) State Highway 99 in
- 16 City of Eugene
- 17 jurisdiction transfer
- 18 as described
- 19 under [section 134 of
- 20 this 2017 Act] **ORS 366.483**
- 21 (J) State Highway 126
- 22 Florence-Eugene
- 23 Highway for
- 24 environmental impact study
- 25 (K) 42nd Street in the City
- 26 of Springfield
- 27 (L) Newberg and Dundee Bypass,
- 28 State Highway 99W,
- 29 Phase II, [*design only*] **shovel**
- 30 **ready preparations**
- 31 (c) Region 3:..... \$ 75 million
- 32 (A) Scottsburg Bridge on
- 33 State Highway 38 in
- 34 Douglas County
- 35 (B) Southern Oregon seismic
- 36 triage transportation
- 37 project
- 38 (d) Region 4:..... \$ 76,493,000
- 39 (A) U.S. Highway 97 Cooley
- 40 Road mid-term
- 41 improvements
- 42 (B) U.S. Highway 97 at
- 43 [*Terrabonne*] **Terrebonne**
- 44 (C) Improvements to Alder
- 45 Creek Road in

- 1 Wheeler County
- 2 (D) Pedestrian safety
- 3 improvements
- 4 in the City of Dufur
- 5 (E) Pedestrian safety
- 6 improvements in the
- 7 City of Prineville
- 8 (F) Tom McCall Road
- 9 roundabout
- 10 (G) Pedestrian safety
- 11 improvements
- 12 in the City of Arlington
- 13 (e) Region 5:..... \$ 43,647,000
- 14 (A) Port of Umatilla Road
- 15 (B) Hermiston North First
- 16 Place Project in the
- 17 City of Hermiston
- 18 (C) State Highway 30 and
- 19 Hughes Lane intersection
- 20 in Baker County
- 21 (D) Eastern Oregon Trade and
- 22 Event Center access road
- 23 (E) Pedestrian safety
- 24 improvements in the
- 25 City of Heppner
- 26 (F) Pedestrian safety
- 27 improvements in the
- 28 City of Milton-Freewater
- 29 (G) Columbia Development
- 30 Authority Access Road
- 31 (H) Pedestrian safety
- 32 improvements
- 33 in the City of Burns
- 34 (I) Pedestrian safety
- 35 improvements
- 36 in the City of Irrigon
- 37 (J) U.S. Highway 20 freight
- 38 mobility enhancements
- 39 (K) Cedar Street and Hughes
- 40 Lane enhancements in
- 41 Baker County

42
43
44
45

(3)(a) When the commission determines that a project described in this section is completed, the commission shall reallocate any amount remaining from the allocation made under this section to

1 another project described in the same region.

2 (b) When the commission determines that all of the projects within a region are completed, the
 3 commission shall reallocate any amount remaining from the allocation made under this section to
 4 any other project listed in this section.

5 (4) The amounts described in this section for jurisdiction transfers described in [*section 134 of*
 6 *this 2017 Act*] **ORS 366.483** may not be allocated until after the transfer for which the allocation is
 7 dedicated occurs.

8
 9 **QUARTERLY REPORTS**

10
 11 **SECTION 17.** Section 18, chapter 30, Oregon Laws 2010, as amended by section 71L, chapter
 12 750, Oregon Laws 2017, is amended to read:

13 **Sec. 18.** (1) The Department of Transportation shall report [*quarterly*] **semiannually** to the
 14 legislative committees on revenue if the Legislative Assembly is in session or, if the Legislative
 15 Assembly is not in session, to the Legislative Revenue Officer. The department’s report shall in-
 16 clude an estimate of the amounts received in the previous [*quarter*] **two quarters** from the increased
 17 taxes and fees established in chapter 865, Oregon Laws 2009, and an estimate of the projected re-
 18 venue in the current quarter from the increased taxes and fees established in chapter 865, Oregon
 19 Laws 2009.

20 (2) In addition to the report described in subsection (1) of this section, the Department of
 21 Transportation shall report [*quarterly*] **semiannually** to the legislative committees on revenue if the
 22 Legislative Assembly is in session or, if the Legislative Assembly is not in session, to the Legislative
 23 Revenue Officer. The department’s report shall include:

24 (a) An estimate of the amounts received in the previous [*quarter*] **two quarters** from the in-
 25 creased taxes and fees established in [*sections 32, 33, 37, 38 and 45 of this 2017 Act*] **ORS 803.091**
 26 **and 803.422 and section 45, chapter 750, Oregon Laws 2017**, and the amendments to ORS 319.020,
 27 319.530, 803.420, 803.645, 818.225, [*818.270, 825.450,*] 825.476, 825.480 and 826.023 by sections 34, 35,
 28 40 to 43, 48, 49, 51, 52, [*54, 55, 57, 58,*] 63, 64, 66, 67 and 70, **chapter 750, Oregon Laws 2017** [*of this*
 29 *2017 Act*], and an estimate of the projected revenue in the current quarter from the increased taxes
 30 and fees established in [*sections 32, 33, 37, 38 and 45 of this 2017 Act*] **ORS 803.091 and 803.422 and**
 31 **section 45, chapter 750, Oregon Laws 2017**, and the amendments to ORS 319.020, 319.530, 803.420,
 32 803.645, 818.225, [*818.270, 825.450,*] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49,
 33 51, 52, [*54, 55, 57, 58,*] 63, 64, 66, 67 and 70, **chapter 750, Oregon Laws 2017** [*of this 2017 Act*].

34 (b) An estimate of the amounts received in the previous biennium to date from the increased
 35 taxes and fees established in [*sections 32, 33, 37, 38 and 45 of this 2017 Act*] **ORS 803.091 and 803.422**
 36 **and section 45, chapter 750, Oregon Laws 2017**, and the amendments to ORS 319.020, 319.530,
 37 803.420, 803.645, 818.225, [*818.270, 825.450,*] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43,
 38 48, 49, 51, 52, [*54, 55, 57, 58,*] 63, 64, 66, 67 and 70, **chapter 750, Oregon Laws 2017** [*of this 2017*
 39 *Act*], and an estimate of the projected revenue in the remaining current biennium from the increased
 40 taxes and fees established in [*sections 32, 33, 37, 38 and 45 of this 2017 Act*] **ORS 803.091 and 803.422**
 41 **and section 45, chapter 750, Oregon Laws 2017**, and the amendments to ORS 319.020, 319.530,
 42 803.420, 803.645, 818.225, [*818.270, 825.450,*] 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43,
 43 48, 49, 51, 52, [*54, 55, 57, 58,*] 63, 64, 66, 67 and 70, **chapter 750, Oregon Laws 2017** [*of this 2017*
 44 *Act*].

45 (c) **Information about how the department is meeting the allocation requirements de-**

1 **scribed in ORS 367.095 (4)(b).**

2 *[(c) Information about the expenditures and distributions made under section 71a of this 2017 Act,*
 3 *including but not limited to:]*

4 *[(A) Information about the department's total funds as well as the funds raised separately by the*
 5 *increased taxes and fees established in sections 32, 33, 37, 38 and 45 of this 2017 Act and the amend-*
 6 *ments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023*
 7 *by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70 of this 2017 Act and*
 8 *expended as described in section 71a (3)(c) of this 2017 Act.]*

9 *[(B) Quarterly amounts that include all the actual and forecasted expenditures and distributions*
 10 *made under section 71a of this 2017 Act for each quarter of the current biennium and the forecasted*
 11 *expenditures and distributions for the following biennium.]*

12
 13 **STATE PARKS AND RECREATION DEPARTMENT SUBACCOUNT TRANSFER**

14
 15 **SECTION 18.** ORS 367.089 is amended to read:

16 367.089. (1) When the Department of Transportation provides a grant under ORS 367.080 to
 17 367.089 for a bicycle and pedestrian transportation project that is consistent with any restrictions
 18 under Article XV, section 4 or 4a, of the Oregon Constitution, the department may request re-
 19 imbursement from the State Parks and Recreation Department in an amount not to exceed \$4 million
 20 each biennium.

21 (2) **Within five days after receiving the request for reimbursement,** if the State Parks and
 22 Recreation Department determines that the grant for the bicycle and pedestrian transportation
 23 project is consistent with any restrictions of Article XV, section 4 or 4a, of the Oregon Constitution,
 24 the State Parks and Recreation Department shall reimburse the Department of Transportation from
 25 **the amounts available in** the Parks Subaccount established under ORS 390.135 **that are dedicated**
 26 **to local outdoor recreation improvement projects** *[within five days after receiving the request for*
 27 *reimbursement].*

28 **SECTION 19. ORS 367.089 is repealed on January 2, 2023.**

29
 30 **PUBLIC TRANSPORTATION SERVICES**

31
 32 **SECTION 20.** ORS 184.751 is amended to read:

33 184.751. (1) The *[Statewide]* **Public Transportation Services** Improvement Fund is established in
 34 the State Treasury, separate and distinct from the General Fund. Interest earned by the
 35 *[Statewide]* **Public Transportation Services** Improvement Fund shall be credited to the fund. Moneys
 36 in the fund are continuously appropriated to the Department of Transportation to finance invest-
 37 ments and improvements in public transportation services, except that the moneys may not be used
 38 for light rail **capital expenses.**

39 (2) The *[Statewide]* **Public Transportation Services** Improvement Fund consists of:

- 40 (a) All moneys received from the tax imposed under ORS 320.550;
- 41 (b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly; and
- 42 (c) Other moneys deposited in the fund from any source.

43 **SECTION 21.** ORS 184.758 is amended to read:

44 184.758. (1) The Oregon Transportation Commission shall distribute the moneys in the
 45 *[Statewide]* **Public Transportation Services** Improvement Fund established under ORS 184.751 as

1 follows:

2 (a) Conditioned upon the commission's approval of a public transportation improvement plan, 90
3 percent to qualified entities;

4 (b) Five percent to public transportation service providers based on a competitive grant program
5 adopted by the commission by rule;

6 (c) Four percent to public transportation service providers to provide funding assistance to
7 cover the costs of improving public transportation services between two or more communities; and

8 (d) One percent to the Department of Transportation **to pay the department's administrative**
9 **costs and expenses associated with carrying out the provisions of ORS 184.752 to 184.766 and**
10 **to establish a statewide public transportation technical resource center, the purpose of which is to**
11 **assist public transportation service providers in rural areas with training, transportation planning**
12 **and information technology.**

13 (2) For purposes of the percentage distributions under subsection (1)(a) of this section:

14 (a) Each distribution must be in such shares that the amount of tax paid, as required under ORS
15 320.550, in the area of each qualified entity bears to the total amount of the tax paid statewide,
16 provided that each qualified entity receives an annual amount of at least \$100,000.

17 *[(b) Each public transportation service provider that receives funding under this section shall re-*
18 *ceive at least a share that the amount of the tax paid, as required under ORS 320.550, in the area*
19 *served by the provider bears to the amount of tax paid in the area of the respective qualified entity in*
20 *which the public transportation service provider provides services.]*

21 *[(c) (b) If more than one mass transit district or transportation district is located within a sin-*
22 *gle county, the commission shall distribute the moneys to the larger district.*

23 **(3)(a) Each qualified entity that receives a distribution under subsection (1)(a) of this**
24 **section shall share the amount received with any other public transportation service pro-**
25 **vider that provides services within the area of the qualified entity.**

26 **(b) Except as provided in paragraph (c) of this subsection, each public transportation**
27 **service provider shall receive at least a share that the amount of the tax paid, as required**
28 **under ORS 320.550, in the area served by the provider bears to the amount of tax paid in the**
29 **area of the respective qualified entity in which the public transportation service provider**
30 **provides services. When a public transportation service provider shares the same area with**
31 **another public transportation service provider, the amount each public transportation ser-**
32 **vice provider receives for the shared area shall be determined as described in paragraph (c)**
33 **of this subsection.**

34 **(c) When two or more public transportation service providers share the same area, the**
35 **advisory committee appointed by the governing body of each qualified entity under ORS**
36 **184.761 shall determine the distribution of funds for the overlapping area.**

37 *[(3)] (4) The commission shall adopt by rule:*

38 (a) A competitive grant program, by which a public transportation service provider may apply
39 for a percentage distribution under subsection (1)(b) of this section, and the terms and conditions
40 of grants.

41 (b) A competitive grant program, by which a public transportation service provider may apply
42 for a percentage distribution under subsection (1)(c) of this section, and the terms and conditions
43 of grants.

44 (c) A process to review and approve a public transportation improvement plan submitted under
45 subsection *[(4)] (5)* of this section.

1 (d) Procedures for appealing a rejection of a public transportation improvement plan submitted
 2 under subsection [(4)] (5) of this section.

3 (e) Any other provisions or procedures that are necessary for the commission to carry out the
 4 provisions of ORS 184.758 to 184.766.

5 [(4)] (5) To be eligible to receive a percentage distribution under subsection (1)(a) of this section,
 6 a qualified entity shall prepare and submit a public transportation improvement plan to the com-
 7 mission. The commission must approve the plan submitted by the qualified entity before the com-
 8 mission may make a percentage distribution to the qualified entity.

9 [(5)] (6) At a minimum, a public transportation improvement plan submitted under this section
 10 must include:

11 (a) For each proposed project, the amount of moneys from the percentage distribution that would
 12 be allocated to the project to fund the following:

13 (A) Increased frequency of bus service schedules in communities with a high percentage of
 14 low-income households;

15 (B) Procurement of buses that are powered by natural gas or electricity for use in areas with
 16 a population of 200,000 or more;

17 (C) Implementation of programs to reduce fares for public transportation in communities with
 18 a high percentage of low-income households;

19 (D) Expansion of bus routes and bus services to reach communities with a high percentage of
 20 low-income households;

21 (E) Improvement in the frequency and reliability of service connections between communities
 22 inside and outside of the qualified entity's service area; and

23 (F) Coordination between public transportation service providers to reduce fragmentation in the
 24 provision of transportation services;

25 (b) For the current fiscal year, a summary of any plans and project proposals approved by an
 26 advisory committee under ORS 184.761; and

27 (c) If a qualified entity was a recipient of a percentage distribution in the preceding fiscal year,
 28 the amount of moneys received from the distribution that were allocated to a project for the pur-
 29 poses described under paragraph (a) of this subsection.

30 [(6)] (7) After the commission makes a distribution under subsection (1) of this section, qualified
 31 entities may enter into intergovernmental agreements under ORS chapter 190 to combine the mon-
 32 eys received for public transportation improvements.

33 [(7)] (8) If the commission rejects a public transportation improvement plan or a grant applica-
 34 tion submitted under this section, the commission shall notify the entity or provider in writing and
 35 state the reasons for the rejection.

36 [(8)] (9) The Department of Transportation shall make all grant applications submitted under
 37 this section available to the public.

38 **SECTION 22.** ORS 320.560 is amended to read:

39 320.560. (1) All moneys received by the Department of Revenue from the tax imposed under ORS
 40 320.550 shall be deposited in the State Treasury and credited to a suspense account established un-
 41 der ORS 293.445. The department may pay expenses for the administration and enforcement of ORS
 42 320.550 out of moneys received from the tax imposed under ORS 320.550. Amounts necessary to pay
 43 administrative and enforcement expenses are continuously appropriated to the department from the
 44 suspense account.

45 (2) After the payment of administrative and enforcement expenses and refunds or credits arising

1 from erroneous overpayments, the department shall credit the balance of the moneys received by the
 2 department to the [Statewide] **Public Transportation Services Improvement Fund** established under
 3 ORS 184.751.

4 **SECTION 23. The Public Transportation Services Improvement Fund is a continuation**
 5 **of the Statewide Transportation Improvement Fund established by ORS 184.751. Moneys**
 6 **contained in the Statewide Transportation Improvement Fund on the effective date of this**
 7 **2018 Act are considered to be moneys in the Public Transportation Services Improvement**
 8 **Fund.**

9 **SECTION 24.** ORS 184.752 is amended to read:
 10 184.752. As used in ORS 184.752 to 184.766:

11 (1) “Public transportation service provider” includes a qualified entity and a city, county, special
 12 district, intergovernmental entity or any other political subdivision, [or] municipal or public corpo-
 13 ration **or nonprofit organization** that provides public transportation services and is not otherwise
 14 described in subsection (2) of this section.

15 (2) “Qualified entity” means the following:

- 16 (a) Counties in which no part of a mass transit district or transportation district exists;
- 17 (b) Mass transit districts organized under ORS 267.010 to 267.390;
- 18 (c) Transportation districts organized under ORS 267.510 to 267.650; and
- 19 (d) Federally recognized Indian tribes.

20
 21 **ROADSIDE REST AREAS**

22
 23 **SECTION 25. The Travel Information Council shall continue to work with the United**
 24 **States Forest Service to ensure ongoing access for travelers using the Government Camp**
 25 **roadside rest area.**

26 **SECTION 26.** Section 129, chapter 750, Oregon Laws 2017, is amended to read:

27 **Sec. 129.** (1) The Travel Information Council, after consulting with the Department of Trans-
 28 portation and the State Parks and Recreation Department, shall develop a plan for transitioning the
 29 management of the roadside rest areas listed in ORS 377.841 from the departments to the council.

30 (2) The council shall provide a report [*on the transition plan*] to the Joint Committee on Trans-
 31 portation established under [*section 26 of this 2017 Act*] **ORS 171.858** in the manner provided by ORS
 32 192.245 no later than September 15, 2018. **The report must include the following:**

33 (a) **Information about the transition plan described in subsection (1) of this section.**

34 (b) **Information about the council’s work with the United States Forest Service to ensure**
 35 **ongoing access for travelers using the Government Camp roadside rest area as required un-**
 36 **der section 25 of this 2018 Act.**

37 **SECTION 27. Section 129, chapter 750, Oregon Laws 2017, and section 25 of this 2018 Act**
 38 **are repealed on January 2, 2019.**

39
 40 **JURISDICTIONAL TRANSFERS**

41
 42 **SECTION 28.** ORS 366.483 is amended to read:

43 366.483. (1) In accordance with ORS 374.329, the Department of Transportation shall transfer
 44 jurisdiction of the following state highways to the following cities:

- 45 (a) Pacific Highway West, State Highway [91] **99**, from the department to the City of Eugene.

1 The department shall transfer the following two portions:

2 (A) The portion beginning where the highway intersects with the Beltline Highway and ending
3 where the highway intersects with Washington Street, but excluding the bridge at milepost 121.42.

4 (B) The portion beginning where the highway intersects with Walnut Street and ending where
5 the highway intersects with Interstate 5, but excluding the bridge at milepost 126.02.

6 (b) Springfield Highway, State Highway 228 to the City of Springfield.

7 (2) Notwithstanding section 71d (4), chapter 750, Oregon Laws 2017, the department shall use
8 the funds described in section 71d, chapter 750, Oregon Laws 2017, for the transfer of Powell Bou-
9 levard to upgrade the portion of Southeast Powell Boulevard beginning where the highway inter-
10 sects with Interstate 205 and ending where the highway intersects with the city limits. After the
11 upgrades are completed, in accordance with ORS 374.329, the department shall transfer jurisdiction
12 of the upgraded portion to the City of Portland. The department may upgrade and transfer portions
13 of the highway in phases.

14 (3) In accordance with ORS 366.290:

15 (a) The department shall transfer jurisdiction of the portion of Territorial Highway, State
16 Highway 200, that is located within Lane County from the department to the county. The depart-
17 ment may transfer portions of the highway in phases. The department shall retain jurisdiction of
18 bridges on Territorial Highway located at milepoints **4.59, 7.07, 17.92**, 18.72, 18.98, 19.28 and 25.49.
19 The department shall transfer the jurisdiction of the bridges after the bridges are replaced.

20 (b) The department shall transfer jurisdiction of the portion of the Springfield-Creswell Highway,
21 State Highway 222, beginning where it intersects with Jasper-Lowell Road and ending where it
22 intersects with Emerald Parkway to Lane County. The department shall retain jurisdiction of
23 bridges on Springfield-Creswell Highway located at mileposts 5.20, 5.41, 5.64 and 13.36. The depart-
24 ment shall transfer the jurisdiction of a bridge after the bridge is replaced.

25 (c) Lane County shall transfer jurisdiction of the portion of Delta Highway beginning where the
26 highway intersects with Interstate 105 and ending where the highway intersects with the Randy
27 Pape Beltline from the county to the department.

28 (d) Multnomah County and Washington County shall transfer jurisdiction of the portion of
29 Cornelius Pass Road beginning where the highway intersects with U.S. Highway 30 and ending
30 where the highway intersects with U.S. Highway 26 from the counties to the department. The
31 counties may transfer portions of the highway in phases.

32
33 **ZERO-EMISSION AND ELECTRIC VEHICLE REBATES**

34
35 **SECTION 29. Sections 148 to 152, chapter 750, Oregon Laws 2017, are added to and made**
36 **a part of ORS chapter 468.**

37 **SECTION 30.** Section 149, chapter 750, Oregon Laws 2017, is amended to read:

38 **Sec. 149.** (1) The Department of Environmental Quality shall establish a program for providing
39 rebates to persons that purchase **or lease** qualifying vehicles for use in this state. The Director of
40 the Department of Environmental Quality may hire or contract with a third-party nonprofit organ-
41 ization to implement and serve as the administrator of the program required by this section.

42 (2) The department may:

43 (a) Specify design features for the program; and

44 (b) Establish procedures to:

45 (A) Prioritize available moneys for specific qualifying vehicles; and

1 (B) Limit the number of rebates available for each type of qualifying vehicle.

2 (3) The purchaser or lessee of a qualifying vehicle may apply for a rebate for a portion of the
3 purchase price or may choose to assign the rebate to a vehicle dealer or lessor.

4 (4) Rebates under the program shall be made from moneys credited to or deposited in the Zero-
5 Emission Incentive Fund established under section 152, **chapter 750, Oregon Laws 2017** [of this
6 2017 Act]. A rebate may not be made until there are sufficient moneys available in the fund to make
7 the rebate.

8 (5) The department shall prescribe the rebate application procedure for purchasers and lessees.
9 All rebate applications must include a declaration under penalty of perjury in the form required by
10 ORCP 1 E.

11 (6) Rebates for qualifying vehicles shall be set annually by the department as follows:

12 (a) For light-duty zero-emission vehicles and plug-in hybrid electric vehicles with an
13 electrochemical energy storage capacity of 10 kilowatt hours or more, up to \$2,500 but not less than
14 \$1,500.

15 (b) For light-duty zero-emission vehicles or plug-in hybrid electric vehicles with an
16 electrochemical energy storage capacity of less than 10 kilowatt hours, up to \$1,500 but not less
17 than \$750.

18 (7) To be eligible for a rebate, a person requesting a rebate under the program shall:

19 (a) Purchase or lease a qualifying vehicle. A lease must have a minimum term of 24 months.

20 (b) Provide proof of an intent to use the qualifying vehicle primarily on the public highways of
21 this state, which may be satisfied by providing proof of registration of the qualifying vehicle in
22 Oregon.

23 (c) Submit an application for a rebate to the administrator of the program within six months
24 after the date of purchase of the qualifying vehicle or six months after the date the lease of the
25 qualifying vehicle begins.

26 (d) Retain registration of the qualifying vehicle for a minimum of 24 consecutive months after
27 the date of purchase or the date the lease begins.

28 (8) A rebate recipient may not make or allow any modifications to the qualifying vehicle's
29 emissions control systems, hardware, software calibrations or hybrid system.

30 (9) If a rebate recipient [*intends to sell the qualifying vehicle, or terminate*] **sells the qualifying**
31 **vehicle, or terminates** the qualifying vehicle lease before the end of 24 months, the rebate recipi-
32 ent shall notify the administrator of the program of the [*recipient's intent to sell the vehicle or ter-*
33 *minate the lease*] **sale or termination** and shall reimburse the administrator for the entire rebate
34 amount.

35 (10) Rebate recipients may be requested to participate in ongoing research efforts.

36 (11) The administrator of the program shall work to ensure timely payment of rebates with a
37 goal of paying rebates within 60 days after receiving an application for a rebate.

38 (12) A vehicle dealer may advertise the program on the premises owned or operated by the ve-
39 hicle dealer. If no moneys are available from the program or the program otherwise changes, a ve-
40 hicle dealer who advertises the program may not be held liable for advertising false or misleading
41 information.

42 (13) The Environmental Quality Commission may adopt any rules necessary to carry out the
43 provisions of this section.

44 **SECTION 31.** Section 149, chapter 750, Oregon Laws 2017, as amended by section 155, chapter
45 750, Oregon Laws 2017, is amended to read:

1 **Sec. 149.** (1) The Department of Environmental Quality shall establish a program for providing
2 rebates to persons that purchase **or lease** qualifying vehicles for use in this state. The Director of
3 the Department of Environmental Quality may hire or contract with a third-party nonprofit organ-
4 ization to implement and serve as the administrator of the program required by this section.

5 (2) The department may:

6 (a) Specify design features for the program; and

7 (b) Establish procedures to:

8 (A) Prioritize available moneys for specific qualifying vehicles; and

9 (B) Limit the number of rebates available for each type of qualifying vehicle.

10 (3) The purchaser or lessee of a qualifying vehicle may apply for a rebate for a portion of the
11 purchase price or may choose to assign the rebate to a vehicle dealer or lessor.

12 (4) Rebates under the program shall be made from moneys credited to or deposited in the Zero-
13 Emission Incentive Fund established under section 152, **chapter 750, Oregon Laws 2017** [*of this*
14 *2017 Act*]. A rebate may not be made until there are sufficient moneys available in the fund to make
15 the rebate.

16 (5) The department shall prescribe the rebate application procedure for purchasers and lessees.
17 All rebate applications must include a declaration under penalty of perjury in the form required by
18 ORCP 1 E.

19 (6) Rebates for qualifying vehicles shall be set annually by the department as follows:

20 (a) For light-duty zero-emission vehicles and plug-in hybrid electric vehicles with an
21 electrochemical energy storage capacity of 10 kilowatt hours or more, up to \$2,500 but no less than
22 \$1,500.

23 (b) For light-duty zero-emission vehicles or plug-in hybrid electric vehicles with an
24 electrochemical energy storage capacity of less than 10 kilowatt hours, up to \$1,500 but no less than
25 \$750.

26 (c) For neighborhood electric vehicles, up to \$750 but not less than \$375.

27 (d) For zero-emission motorcycles, up to \$750 but not less than \$375.

28 (7) To be eligible for a rebate, a person requesting a rebate under the program shall:

29 (a) Purchase or lease a qualifying vehicle. A lease must have a minimum term of 24 months.

30 (b) Provide proof of an intent to use the qualifying vehicle primarily on the public highways of
31 this state, which may be satisfied by providing proof of registration of the qualifying vehicle in
32 Oregon.

33 (c) Submit an application for a rebate to the administrator of the program within six months
34 after the date of purchase of the qualifying vehicle or six months after the date the lease of the
35 qualifying vehicle begins.

36 (d) Retain registration of the qualifying vehicle for a minimum of 24 consecutive months after
37 the date of purchase or the date the lease begins.

38 (8) A rebate recipient may not make or allow any modifications to the qualifying vehicle's
39 emissions control systems, hardware, software calibrations or hybrid system.

40 (9) If a rebate recipient [*intends to sell the qualifying vehicle, or terminate*] **sells the qualifying**
41 **vehicle, or terminates** the qualifying vehicle lease before the end of 24 months, the rebate recipi-
42 ent shall notify the administrator of the program of the [*recipient's intent to sell the vehicle or ter-*
43 *minate the lease*] **sale or termination** and shall reimburse the administrator for the entire rebate
44 amount.

45 (10) Rebate recipients may be requested to participate in ongoing research efforts.

1 (11) The administrator of the program shall work to ensure timely payment of rebates with a
 2 goal of paying rebates within 60 days after receiving an application for a rebate.

3 (12) A vehicle dealer may advertise the program on the premises owned or operated by the ve-
 4 hicle dealer. If no moneys are available from the program or the program otherwise changes, a ve-
 5 hicle dealer who advertises the program may not be held liable for advertising false or misleading
 6 information.

7 (13) The Environmental Quality Commission may adopt any rules necessary to carry out the
 8 provisions of this section.

9 **SECTION 32.** Section 150, chapter 750, Oregon Laws 2017, is amended to read:

10 **Sec. 150.** (1) As used in this section:

11 (a) “Area median income” means the median income for the metropolitan statistical area in
 12 which a household is located or, if the household is not located within a metropolitan statistical
 13 area, for the metropolitan statistical area in closest proximity to the location of the household, as
 14 determined by the Housing and Community Services Department, adjusted for household size.

15 (b) “Charge ahead rebate” means a rebate for the purchase **or lease** of a new or used light-duty
 16 zero-emission vehicle issued through the Charge Ahead Oregon Program established under this sec-
 17 tion.

18 (c) “High-emission passenger motor vehicle” means a motor vehicle that is:

19 (A) *[Designed]* **Used or purchased** primarily for the transportation of persons; and

20 (B) Powered by an internal combustion engine that is 20 years old or older.

21 (d) “Low income household” means a household with income less than or equal to 80 percent
 22 of the area median income.

23 (e) “Moderate income household” means a household with income less than or equal to 120
 24 percent and greater than 80 percent of the area median income.

25 (2) The Department of Environmental Quality shall establish a Charge Ahead Oregon Program
 26 to provide for charge ahead rebates to low income households and moderate income households *[that*
 27 *voluntarily retire or scrap high-emission passenger motor vehicles and replace those motor vehicles with*
 28 *new or used light-duty zero-emission vehicles]*. The Director of the Department of Environmental
 29 Quality may hire or contract with a third-party nonprofit organization to implement and serve as
 30 the administrator of the program required by this section.

31 (3) The department may:

32 (a) Specify design features for the program; *[and]*

33 **(b) Require a person requesting a rebate under the program to document that the person:**

34 **(A) Resides in an area of this state that has elevated concentrations of air contaminants**
 35 **commonly attributable to motor vehicle emissions, such as particulate matter, benzene and**
 36 **nitrogen oxides, relative to other areas of the state; or**

37 **(B) Will scrap or otherwise render inoperable a high-emission passenger motor vehicle**
 38 **that, on the date of the rebate application, is registered as operable and has been contin-**
 39 **uously registered for the last two years; or**

40 *[(b)]* (c) Establish procedures to:

41 (A) Prioritize available moneys to specific income levels or geographic areas; and

42 (B) Limit the number of charge ahead rebates available.

43 (4) An eligible purchaser or lessee of a new or used light-duty zero-emission vehicle may apply
 44 for a charge ahead rebate for a portion of the purchase price or may choose to assign the charge
 45 ahead rebate to a vehicle dealer or lessor.

1 (5) Rebates under the Charge Ahead Oregon Program shall be made from moneys credited to
2 or deposited in the Zero-Emission Incentive Fund established under section 152, **chapter 750,**
3 **Oregon Laws 2017** [of this 2017 Act]. A rebate may not be made until there are sufficient moneys
4 available in the fund to make the rebate.

5 (6) The department shall prescribe the rebate application procedure for purchasers and lessees.
6 All rebate applications must include a declaration under penalty of perjury in the form required by
7 ORCP 1 E.

8 (7) Charge ahead rebates shall be in an amount up to \$2,500, but not less than \$1,250.

9 (8) To be eligible for a charge ahead rebate, a person requesting a rebate under the program
10 must:

11 (a) Be a member of a low income household or a moderate income household.

12 [(b) Reside in an area of this state that has elevated concentrations of air contaminants commonly
13 attributable to motor vehicle emissions, such as particulate matter, benzene and nitrogen oxides, relative
14 to other areas of the state.]

15 [(c) Document that the person will scrap or otherwise render inoperable a high-emission passenger
16 motor vehicle that, on the date of the rebate application, is registered as operable and has been con-
17 tinuously registered for the last two years.]

18 [(d)] (b) Purchase or lease a new or used light-duty zero-emission vehicle. A lease must have a
19 minimum term of 24 months.

20 [(e)] (c) Provide proof of an intent to use the light-duty zero-emission vehicle primarily on the
21 public highways of this state, which may be satisfied by providing proof of registration of the vehicle
22 in Oregon.

23 [(f)] (d) Submit an application for a charge ahead rebate to the administrator of the program
24 within six months of the date of purchase or six months from the date the lease begins.

25 [(g)] (e) Retain registration of the light-duty zero-emission vehicle for a minimum of 24 consec-
26 utive months following the date of purchase or following the date the lease begins.

27 (9) A person that receives a charge ahead rebate may not make or allow any modifications to
28 the vehicle's emissions control systems, hardware, software calibrations or hybrid system.

29 (10) If a charge ahead rebate recipient [*intends to sell the vehicle, or otherwise terminate*] **sells**
30 **the vehicle, or terminates** the vehicle lease before the end of 24 months, the charge ahead rebate
31 recipient shall notify the administrator of the program of the [*recipient's intent to sell the vehicle or*
32 *terminate a lease*] **sale or termination** and shall reimburse the administrator for the entire charge
33 ahead rebate amount.

34 (11) Charge ahead rebate recipients may be requested to participate in ongoing research efforts.

35 (12) The administrator of the program shall work to ensure timely payment of charge ahead re-
36 bates with a goal of paying rebates within 60 days of receiving an application for a charge ahead
37 rebate.

38 (13) In establishing the Charge Ahead Oregon Program, the department shall provide opportu-
39 nities for public comment by low income households, moderate income households and [*community*
40 *based*] **community-based** organizations that are located in areas of this state that have elevated
41 concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas
42 of the state. The department shall use the comments received pursuant to this subsection to inform,
43 evaluate[,] and strengthen the design of the program in order to increase the usage of light-duty
44 zero-emission vehicles.

45 (14) The administrator of the program shall, throughout the course of implementing the program,

1 conduct community outreach to low income households, moderate income households and [community
 2 based] **community-based** organizations that are located in areas of this state that have elevated
 3 concentrations of air contaminants attributable to motor vehicle emissions, relative to other areas
 4 of the state, in order to:

- 5 (a) Solicit feedback on program implementation; and
- 6 (b) Take steps to ensure that the program is promoted effectively.

7 (15) A vehicle dealer may advertise the Charge Ahead Oregon Program on the premises owned
 8 or operated by the vehicle dealer. If no moneys are available from the program or the program
 9 otherwise changes, a vehicle dealer who advertises the program may not be held liable for adver-
 10 tising false or misleading information.

11 (16) A charge ahead rebate may be combined with a rebate described in section 149, **chapter**
 12 **750, Oregon Laws 2017** [of this 2017 Act].

13 (17) An organization that the department has hired or contracted with to implement and serve
 14 as the administrator of the program may offer expanded financing mechanisms for program partic-
 15 ipants, including, but not limited to, a loan or loan-loss reserve credit enhancement program to in-
 16 crease consumer access to new or used light-duty zero-emission vehicles.

17 (18) The Environmental Quality Commission may adopt any rules necessary to carry out the
 18 provisions of this section.

19
 20 **PACIFIC WONDERLAND REGISTRATION PLATES**

21
 22 **SECTION 33.** Section 2, chapter 823, Oregon Laws 2009, as amended by section 8, chapter 709,
 23 Oregon Laws 2011, section 1, chapter 390, Oregon Laws 2015, section 18, chapter 806, Oregon Laws
 24 2015, and section 39s, chapter 750, Oregon Laws 2017, is amended to read:

25 **Sec. 2.** (1) The Department of Transportation shall establish a Pacific Wonderland registration
 26 plate program to issue special registration plates called “Pacific Wonderland registration plates”
 27 upon request to owners of motor vehicles registered under the provisions of ORS 803.420 (6)(a). In
 28 addition, the department may adopt rules for issuance of Pacific Wonderland registration plates for
 29 vehicles not registered under the provisions of ORS 803.420 (6)(a).

30 (2) In addition to any other fee authorized by law, for each set of Pacific Wonderland registra-
 31 tion plates issued under subsection (1) of this section, the department shall collect a surcharge of
 32 \$100 payable when the plates are issued. The department shall transfer the moneys from the sur-
 33 charge as provided in section 3, chapter 823, Oregon Laws 2009.

34 (3) Notwithstanding ORS 803.530, Pacific Wonderland registration plates may be transferred
 35 from vehicle to vehicle if the department stops issuing the plates, as long as the plates are not so
 36 old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identifi-
 37 cation.

38 [(4) The department shall limit the total number of Pacific Wonderland registration plates to 80,000
 39 sets of plates.]

40
 41 **EXEMPTION FROM SEAT BELT REQUIREMENTS**

42
 43 **SECTION 34.** ORS 811.215 is amended to read:

44 811.215. ORS 811.210 does not apply to:

- 45 (1) Privately owned commercial vehicles that are being used for the transportation of persons

1 for compensation or profit. The exemption in this subsection does not apply to any of the following:

2 (a) Motor carriers, as defined in ORS 825.005, when operating in interstate commerce.

3 (b) Vehicles designed and used for the transportation of 15 or fewer persons, including the
4 driver, except that the operator of a vehicle described in this paragraph is not required to:

5 (A) Be properly secured with a safety belt or safety harness as required by ORS 811.210 if the
6 operator is a taxicab operator; or

7 (B) Ensure that a passenger is properly secured with a child safety system as described in ORS
8 811.210 (2)(a), (b) or (c).

9 (2) Any vehicle not required to be equipped with safety belts or safety harnesses at the time the
10 vehicle was manufactured, unless safety belts or safety harnesses have been installed in the vehicle.

11 (3) Any vehicle exempted by ORS 815.080 from requirements to be equipped upon sale with
12 safety belts or safety harnesses.

13 (4) Any person for whom a certificate is issued by the Department of Transportation under ORS
14 811.220.

15 (5) Any person who is a passenger in a vehicle if all seating positions in the vehicle are occu-
16 pied by other persons.

17 (6) Any person who is being transported while in the custody of a police officer or any law
18 enforcement agency.

19 (7) Any person who is delivering newspapers or mail in the regular course of work.

20 (8) Any person who is riding in an ambulance for the purpose of administering medical aid to
21 another person in the ambulance, if being secured by a safety belt or safety harness would sub-
22 stantially inhibit the administration of medical aid.

23 (9) Any person who is reading utility meters in the regular course of work.

24 (10) Any person who is employed to operate a vehicle owned by a mass transit district while the
25 vehicle is being used for the transportation of passengers in the public transportation system of the
26 district.

27 (11) Any person who is collecting solid waste or recyclable materials in the regular course of
28 work.

29 **(12) Any person who is employed to operate a vehicle owned by a tribal government public**
30 **transportation system while the vehicle is being used for the transportation of passengers**
31 **in the public transportation system of the tribal government.**

32
33 **OUTDOOR ADVERTISING SIGNS**
34

35 **SECTION 35.** ORS 377.707 is amended to read:

36 377.707. (1) The Department of Transportation shall ensure that all construction and engineering
37 plans for state highways identify the locations of **outdoor advertising signs impacted by a**
38 **project**, motorist informational signs, tourist oriented directional signs and logo signs. The depart-
39 ment shall:

40 (a) Adopt written plans for protecting the signs from damage during construction[.]; **and**

41 (b) **Design work on the highways to protect outdoor advertising signs from being blocked,**
42 **damaged, destroyed or lost during construction.**

43 (2) If any sign specified in subsection (1) of this section is **blocked**, damaged, destroyed or lost
44 as a result of work on a highway done by the department, the department shall repair or replace
45 the sign.

1 **(3) If the department requires an owner of an outdoor advertising sign to remove the**
 2 **outdoor advertising sign as a result of work on a highway done by the department and the**
 3 **sign cannot be relocated in the same section of the highway, the department shall pay the**
 4 **owner of the outdoor advertising sign just compensation, as long as the sign is in compliance**
 5 **with the provisions of ORS 377.700 to 377.844.**

6 **SECTION 36.** ORS 377.710 is amended to read:

7 377.710. As used in ORS 377.700 to 377.844 unless the context otherwise requires:

8 (1) “Back-to-back sign” means a sign with multiple display surfaces mounted on a single struc-
 9 ture with display surfaces visible to traffic from opposite directions of travel.

10 (2) “Commercial or industrial zone” means an area, adjacent to a state highway, that is zoned
 11 for commercial or industrial use by or under state statute or local ordinance.

12 (3) “Council” means the Travel Information Council created by ORS 377.835.

13 (4) “Cutout” means every type of display in the form of letters, figures, characters or other re-
 14 presentations in cutout or irregular form attached to and superimposed upon a sign.

15 (5) “Department” means the Department of Transportation.

16 (6) “Digital billboard” means an outdoor advertising sign that is static and changes messages
 17 by any electronic process or remote control, provided that the change from one message to another
 18 message is no more frequent than once every eight seconds and the actual change process is ac-
 19 complished in two seconds or less.

20 (7) “Director” means the Director of Transportation.

21 (8) “Display surface” means the area of a sign available for the purpose of displaying a message.

22 (9) “Double-faced sign” means a sign with multiple display surfaces with two or more separate
 23 and different messages visible to traffic from one direction of travel.

24 (10) “Erect” means to construct, build, assemble, place, affix, attach, create, paint, draw or in
 25 any way bring into being or establish.

26 (11) “Federal-aid primary system” or “primary highway” means the federal-aid primary system
 27 in existence on June 1, 1991, and any highway that is on the National Highway System.

28 (12) “Freeway” means a divided arterial highway with four or more lanes available for through
 29 traffic with full control of access and grade separation at intersections.

30 (13) “Governmental unit” means the federal government, the state, or a city, county or other
 31 political subdivision or an agency thereof.

32 (14) “Interstate highway” or “interstate system” means every state highway that is a part of the
 33 National System of Interstate and Defense Highways established pursuant to section 103(c), title 23,
 34 United States Code.

35 **(15) “Just compensation” means the real market value, as defined in ORS 308.205, of an**
 36 **outdoor advertising sign.**

37 [(15)] (16) “Logo” means a symbol or design used by a business as a means of identification of
 38 its products or services.

39 [(16)] (17) “Logo sign” means a sign located on highway right of way on which logos for gas,
 40 food, lodging and camping are mounted.

41 [(17)] (18) “Maintain” includes painting, changing messages on display surfaces, adding or re-
 42 moving a cutout or display surface of the same dimensions, replacing lights or the catwalk, making
 43 routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and al-
 44 lowing the sign to exist.

45 [(18)] (19) “Main traveled way” means the through traffic lanes, exclusive of frontage roads,

1 auxiliary lanes and ramps.

2 [(19)] (20) "Motorist informational sign" means a sign erected in a safety rest area, scenic
3 overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.844 to inform the
4 traveling public about public accommodations, services for the traveling public and points of scenic,
5 historic, cultural, scientific, outdoor recreational and educational interest.

6 [(20)] (21) "Nonconforming sign" means a sign that complied with ORS 377.700 to 377.844 when
7 erected, but no longer complies with ORS 377.700 to 377.844 because of a later change in the law
8 or in the conditions outside of the owner's control. An unlawfully located or maintained sign is not
9 a nonconforming sign.

10 [(21)] (22) "Outdoor advertising sign" means:

11 (a) A sign that is not at the location of a business or an activity open to the public, as defined
12 by the department by rule; or

13 (b) A sign for which compensation or anything of value as defined by the department by rule is
14 given or received for the display of the sign or for the right to place the sign on another's property.

15 [(22)] (23) "Protected area" means an area located within 660 feet of the edge of the right of
16 way of any portion of an interstate highway constructed upon any part of right of way, the entire
17 width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion
18 or segment does not traverse:

19 (a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed
20 on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject
21 to municipal regulation or control; or

22 (b) Other areas where land use, as of September 21, 1959, is established as industrial or com-
23 mercial pursuant to state law.

24 [(23)] (24) "Reconstruct" means replacing a sign totally or partially destroyed, changing its
25 overall height or performing any work, except maintenance work, that alters or changes a sign that
26 lawfully exists under ORS 377.700 to 377.844.

27 [(24)] (25) "Relocate" includes, but is not limited to removing a sign from one site and erecting
28 a new sign upon another site as a substitute therefor.

29 [(25)] (26) "Relocation credit" means a credit for future relocation of a permitted outdoor ad-
30 vertising sign issued in lieu of a relocation permit under ORS 377.767.

31 [(26)] (27) "Relocation permit" means a permit to relocate a sign under ORS 377.767, whether
32 issued in a lieu of a current sign permit or a relocation credit.

33 [(27)] (28) "Rest area" means an area established and maintained within or adjacent to a state
34 highway right of way by or under public supervision or control for the convenience of the traveling
35 public, and includes safety rest areas, scenic overlooks or similar roadside areas.

36 [(28)] (29) "Scenic byway" means a state highway or portion of a state highway designated as
37 part of the scenic byway system by the Oregon Transportation Commission or Federal Highway
38 Administration of the United States Department of Transportation.

39 [(29)] (30) "Secondary highway" means any state highway other than an interstate highway or
40 primary highway.

41 [(30)(a)] (31)(a) "Sign" means any sign, display, message, emblem, device, figure, painting,
42 drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising
43 purposes or to inform or attract the attention of the public.

44 (b) "Sign" includes the sign structure, display surface and all other component parts of a sign.

45 (c) When dimensions of a sign are specified, "sign" includes panels and frames and both sides

1 of a sign of specified dimensions or area.

2 [(31)] (32) "Sign area" means the overall dimensions of all panels capable of displaying messages
3 on a sign structure.

4 [(32)] (33) "Sign plaza" means a structure erected and maintained by or for the department or
5 the Travel Information Council, adjacent to or in close proximity to a state highway, for the display
6 of motorist information.

7 [(33)] (34) "Sign rules for protected areas" means rules adopted by the department applicable to
8 signs displayed within protected areas.

9 [(34)] (35) "Sign structure" or "structure" means the supports, uprights, braces, poles, pylons,
10 foundation elements, framework and display surfaces of a sign.

11 [(35)] (36) "State highway," "highway" or "state highway system" means the entire width be-
12 tween the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and
13 the interstate system and the federal-aid primary system.

14 [(36)] (37) "Tourist oriented directional sign" means a sign erected on state highway right of
15 way to provide business identification and directional information for services and activities of in-
16 terest to tourists.

17 [(37)] (38) "Traffic control sign or device" means an official route marker, guide sign, warning
18 sign, or sign directing or regulating traffic, which has been erected by or under the order of the
19 department.

20 [(38)] (39) "Travel plaza" means any staffed facility erected under the authority of the Travel
21 Information Council to serve motorists by providing brochures, displays, signs and other visitor in-
22 formation and located in close proximity to a highway.

23 [(39)] (40) "Tri-vision sign" means a sign that contains display surfaces composed of a series of
24 three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated
25 by an electromechanical process and capable of displaying a total of three separate and distinct
26 messages, one message at a time, provided that the rotation from one message to another message
27 is no more frequent than every eight seconds and the actual rotation process is accomplished in four
28 seconds or less.

29 [(40)] (41) "V-type sign" means two signs erected independently of each other with multiple
30 display surfaces having single or multiple messages visible to traffic from opposite directions, with
31 an interior angle between the two signs of not more than 120 degrees and the signs separated by
32 not more than 10 feet at the nearest point.

33 [(41)] (42) "Visible" means capable of being seen without visual aid by a person of normal visual
34 acuity, whether or not legible from the main traveled way of any state highway.

35 **SECTION 37.** ORS 377.765 is amended to read:

36 377.765. (1) Outdoor advertising signs in existence on May 30, 2007, and lawfully located within
37 commercial or industrial zones in existence on May 30, 2007, and outdoor advertising signs visible
38 from a road or street that is designated as a state highway after May 30, 2007, and lawfully located
39 within a commercial or industrial zone at the time the road or street is designated as a state high-
40 way, may remain. Subject to the provisions of ORS 377.700 to 377.844, such signs may be maintained,
41 reconstructed and relocated. However, such signs may not be relocated unless a relocation permit
42 has been issued pursuant to ORS 377.767. A permit may not be issued to relocate an outdoor ad-
43 vertising sign that was not lawfully in existence on May 30, 2007, except that outdoor advertising
44 signs that are visible from a road or street that is designated as a state highway after May 30, 2007,
45 and that are lawfully located within a commercial or industrial zone at the time the road or street

1 is designated as a state highway, may be relocated within the same section of highway. **If the De-**
 2 **partment of Transportation elects to remove an outdoor advertising sign under this sub-**
 3 **section, the department shall first pay just compensation to the owner of the sign before**
 4 **removing the sign, as long as the sign is in compliance with the provisions of ORS 377.700**
 5 **to 377.844.**

6 (2) All outdoor advertising signs that are lawfully located outside of a commercial or industrial
 7 zone and visible from an interstate highway or a primary highway shall be removed upon payment
 8 of just compensation *[as provided by ORS 377.780]*.

9 (3) Upon payment of just compensation, the department *[of Transportation]* may remove any
 10 lawful outdoor advertising sign located in a scenic area designated pursuant to ORS 377.505 to
 11 377.540.

12 (4) Outdoor advertising signs in existence on May 30, 2007, that are lawfully located outside of
 13 a commercial or industrial zone in existence on July 1, 1971, and visible from a secondary highway
 14 and not within a scenic area existing on July 1, 1971, or thereafter designated a scenic area may
 15 be removed only upon payment of just compensation as provided in ORS 377.780. Upon payment of
 16 just compensation, the department may remove the outdoor advertising sign. It may not be recon-
 17 structed or replaced if destroyed by natural causes and may not be relocated.

18 (5) If a secondary highway existing on July 2, 1971, is subsequently designated as an interstate
 19 or primary highway, upon payment of just compensation, the department may remove outdoor ad-
 20 vertising signs not conforming to the provisions of ORS 377.700 to 377.844.

21 (6) If any other highway is designated as an interstate or primary highway, upon payment of just
 22 compensation, the department may remove a nonconforming outdoor advertising sign lawful before
 23 such designation but nonconforming thereafter.

24 (7) Upon the construction or designation of a secondary highway, after July 2, 1971, an outdoor
 25 advertising sign lawfully in existence and not regulated under ORS 377.700 to 377.844 prior to such
 26 construction or designation is subject to subsection (4) of this section.

27 **SECTION 38.** ORS 377.780 is amended to read:

28 377.780. (1) Where the Department of Transportation elects to remove and pay for a sign visible
 29 from *[secondary highways pursuant to]* **a highway under** ORS 377.765 *[(4)]*, upon removal, the de-
 30 partment shall pay just compensation.

31 (2) For the purposes of ORS 377.700 to 377.844, the department may acquire by purchase,
 32 agreement, donation or exercise of the power of eminent domain land or an interest in land or a
 33 sign. The department shall pay just compensation for:

34 (a) The taking from the owner of such lawfully located sign all right, title, leasehold and interest
 35 in such sign; and

36 (b) The taking from the owner of the real property on which the sign is located the right to
 37 place such sign thereon.

38 *[(3) When the department is required under ORS 377.700 to 377.844 to make payment therefor to*
 39 *remove a sign, the payment shall be for the value of the items specified by subsection (2) of this section,*
 40 *as determined by the department. In determining value, the department shall use the accepted appraisal*
 41 *method customarily used in such cases or the method prescribed by federal regulations, if any, appli-*
 42 *cable to such appraisals or payments, whichever results in the lowest valuation. However, in any case,*
 43 *the department shall so appraise such signs or rights taken by whatever method may be required to*
 44 *avoid imposition of a reduction in the amount of federal highway funds the state otherwise would be*
 45 *eligible to receive.]*

CAPTIONS

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SECTION 39. The unit captions used in this 2018 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 2018 Act.

EFFECTIVE DATE

SECTION 40. This 2018 Act takes effect on the 91st day after the date on which the 2018 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.
