



# Oregon

Kate Brown, Governor

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**DATE:** April 10, 2019

**TO:** Joint Committee on Transportation

**FROM:** Jerri Bohard, Administrator  
Transportation Development Division

**SUBJECT:** SB 413 – Districts for Limited Access Public Highway Projects

## INTRODUCTION

Senate Bill 413 would allow the formation of a limited-access public highway project district to site and construct a limited access highway. The bill gives the special district broad authority to use eminent domain authority to acquire property and enter into agreements/contracts to finance and construct a limited access highway (or tollway). SB 413 directs that a local government may not deny an application for a limited-access highway based on its inconsistency with rural land designations.

## DISCUSSION

The Oregon Department of Transportation follows Oregon's Statewide Planning Goals in developing transportation plans and projects in the state. The goals provide direction on coordination between planning efforts among state, local and regional transportation and land use plans. It also directs that transportation systems should use existing facilities and rights-of-way to the greatest extent possible. The goals further provide guidance about developing transportation facilities outside urban boundaries and on resource lands.

SB 413 provides a path for a tollway to be developed and constructed without having any linkage to local transportation system plans. There is no requirement that any analysis occur around how the new tollway would affect existing transportation infrastructure, most importantly the impact to the parts of the system that would connect to this new facility. ODOT is concerned this could result in significant impacts to the existing transportation systems. SB 413 allows for a tollway to be developed and constructed, and prohibits a county from denying an application for a tollway if the project is inconsistent with local plans or regulations that limit the development on rural reserves.

In addition, SB 413 gives broad authority to a limited-access public highway project district and does not prescribe the process a district must undertake to consider the public that the project would impact. While there is a public hearing process, our agency in coordination with regional and local partners have a strong public involvement component in all phases of transportation decision-making. For example, ODOT invites the public and stakeholder groups to participate in long-range planning, in making decisions about where to invest transportation dollars, about design issues and in identifying project impacts during project planning and construction. Our process is in alignment with the statewide planning goal around citizen involvement.

The bill allows the district to accept federal funds to be used for the limited-access public highway project. If federal funds are planned to be used, federal rules and regulations must be followed. The bill does not address the need to follow federal rules and regulations if federal funds are used. Federal rules and regulations must be followed whenever a project utilizes federal funding, no matter where the majority of funds originate from.

In addition, the bill requires the ODOT Driver and Motor Vehicle division to enforce the non-payment of tolls by refusing to renew vehicle registrations. If private funds are used to construct and operate the toll road, state highway funds could not be used for enforcement. Other funds will need to be identified for enforcement.

**SUMMARY**

SB 413 allows for the creation of an entity to construct and operate a limited-access public highway – or toll road. It is unclear how the toll road would link to or impact the existing transportation system. The bill allows for the development of the toll road without following existing land use regulations around rural reserves.