

Enrolled House Bill 2027

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Department of Administrative Services)

CHAPTER

AN ACT

Relating to state-owned assets; creating new provisions; and amending ORS 276.591, 276.594, 276.595, 276.601 and 283.327 and section 8, chapter 565, Oregon Laws 2019.

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

STATE PARKING FACILITIES

SECTION 1. ORS 276.591 is amended to read:

276.591. *[It shall be the state policy in regard to state controlled grounds and facilities used for parking:]*

(1) As used in ORS 276.591 to 276.601, "parking facility" includes any parking space, grounds, structure or lot used for motor vehicle parking that the state or any state agency owns or controls through a direct lease, lease purchase or installment purchase agreement.

(2) It is the state policy with regard to parking facilities:

[(1)] **(a)** That each state agency that owns or controls *[through direct lease, lease purchase or installment purchase agreement grounds or facilities used for parking shall]* **parking facilities** regulate their use and impose on users, whether or not state employees, equitable charges consistent with the state policy for such parking **and with the policies as described in ORS 276.591 to 276.601.**

[(2)] **(b)** That use of alternative modes of transportation be encouraged.

[(3)] **(c)** That traffic congestion and energy waste be minimized.

[(4)] **That charges for use of grounds and facilities used for parking be established in a manner which recognizes the agency's cost to provide such facilities, local market conditions for commercial or other paid parking and community standards; and does not cause community hardship or eliminate the demand for state provided parking. However, the charges imposed shall not produce revenues in excess of amounts required to operate, maintain and improve the grounds and facilities, to cover required depreciation and debt service expenditures, to offset any revenues lost through the provision of car or van pool incentive rates under ORS 276.601, and to provide reasonable funds for alternative modes of transportation and capital development. Pricing policy should also discourage the use of single occupant vehicles and recognize the desirability and degree of quality of the parking.]**

(d) That the use of single occupant vehicles be discouraged.

SECTION 2. ORS 276.594 is amended to read:

276.594. (1) The Oregon Department of Administrative Services shall:

(a) Manage [those grounds and parking structures or facilities located in the capitol area of the City of Salem that the state owns or that any state agency leases or is acquiring through lease purchase or installment purchase agreement] **the parking facilities described in subsection (2) of this section**; and

(b) Determine the conditions under which such [grounds and parking structures or] **parking** facilities may be used.

[(2) *The grounds and parking structures or facilities described in subsection (1) of this section include those located either adjacent to, on or in close proximity to, though not necessarily contiguous to, leased office quarters defined in ORS 276.420, the Supreme Court Building, the buildings, properties or parking structures described in ORS 276.004 and those grounds the state owns by and through the department that are adjacent to the installations and facilities located in the area described in ORS 276.054.*]

(2) Except as provided in subsection (3) of this section, the parking facilities managed by the department under this section include parking facilities located on, in, adjacent to or in proximity to:

(a) Leased office quarters as defined in ORS 276.420;

(b) The Supreme Court Building;

(c) The buildings and properties described in ORS 276.004;

(d) The area described in ORS 276.054;

(e) The capitol area and Capitol Mall, as defined in ORS 276.010; and

(f) Any other areas within the City of Salem as included by the department by rule.

(3) This section does not apply to the State Capitol, to the parking facilities located in the garage of the State Capitol, to the area immediately north of the State Capitol but south of and separated from Court Street by a traffic island, painted markings or other traffic control devices or to the area immediately south of the State Capitol but north of and separated from State Street by a traffic island, painted markings or other traffic control devices.

[(4) *The department may not exercise the authority described in this section over grounds and parking structures or facilities located outside the capitol area in the City of Salem that the state owns or that another state agency leases or is acquiring through lease purchase or installment purchase.*]

[(5) (4) Based upon its findings, the department shall adopt rules for parking motor vehicles or for other transportation uses of the [grounds and parking structures or] **parking** facilities described in subsection (1) of this section. **The department shall provide** notice of the rules [shall be given] by appropriate signs posted [on the grounds and in the parking structures or] **in the parking** facilities. In adopting the rules, the department shall consider the state policy stated in ORS 276.591.

[(6) (5) **Subject to ORS 276.601**, the department may lease portions of [the grounds and parking structures or] **parking** facilities described in subsection (1) of this section for parking motor vehicles and for other transportation uses as it determines are appropriate. However, in such leasing, priority [shall first] **must** be given to the needs of state officers and employees, **and**[.]

[(7) the department shall furnish a space without charge to each statewide elective officer, except those with offices in the State Capitol, *and shall designate certain spaces, either free or metered, for use by persons transacting business in state offices. The department may also provide free parking for employees with disabilities who have been issued a disabled person parking permit by the Department of Transportation and who require the use of their vehicle in traveling to and from work*]. Any spaces not required for leasing to state officers and employees, or for other [authorized] **state** purposes, may be leased to other persons.

[(8) (6) The department shall retain receipts obtained under this section, except that the department may return to the appropriate agency any net receipts obtained from any parking **facilities** [structures or facilities that are located in the capitol area in the City of Salem and that the state owns or that any agency other than the department leases or is acquiring through lease purchase or installment purchase agreement].

[(9) *As used in this section, "capitol area" has the meaning given that term in ORS 276.010.*]

SECTION 3. ORS 276.595 is amended to read:

276.595. (1) **Except as provided in ORS 276.594**, each state agency[, *other than the Oregon Department of Administrative Services,*] shall manage and determine under what conditions the [*grounds and parking structures owned, directly leased or being acquired through lease purchase or installment purchase by it, which are outside the capitol area in the City of Salem,*] **agency's parking facilities** may be used by owners and operators of motor vehicles and for other transportation purposes.

(2) Based upon its findings, the state agency shall adopt rules for parking of motor vehicles or other transportation uses of such [*grounds and*] **parking facilities** for which it is responsible under subsection (1) of this section. **The state agency shall provide** notice of the rules [*shall be given*] by appropriate signs posted [*on the grounds and*] in the **parking facilities**. In adopting the rules, the state agency shall consider the state policy stated in ORS 276.591.

(3) **Subject to ORS 276.601**, the state agency may lease portions of the **parking facilities** [*and grounds*] described in subsection (1) of this section for the parking of motor vehicles and other transportation uses as it determines is appropriate. However, in such leasing, priority [*shall first*] **must** be given to the needs of state officers and employees. [*The agency shall designate certain spaces, either free or metered, for use by persons transacting business in state offices. The state agency may also provide free parking for employees with disabilities who have been issued a disabled person parking permit by the Department of Transportation and who require the use of their vehicle in traveling to and from work.*] Any spaces not required for leasing to state officers and employees[,] or for other [*authorized*] **state purposes**[,] may be leased to other persons.

SECTION 4. ORS 276.601 is amended to read:

276.601. [*Consistent with the policies stated in ORS 276.591:*]

[(1) *The base rate for leasing parking spaces described in ORS 276.594 and 276.595 shall be set by the agency responsible for leasing the space. However, the agency may apply a reduction schedule to the base rate, based upon the number of participating riders, to encourage the use of car pools or van pools.*]

[(2) *In order to qualify for the reduced fees authorized under subsection (1) of this section, car pool or van pool participants must register and have validated participation in a car pool or van pool.*]

[(3) *Notwithstanding subsection (1) of this section, the agency responsible for leasing the space to users may:*]

[(a) *Furnish parking spaces free or at reduced rates in designated areas for those employees participating in a program which encourages the use of parking spaces in noncongested areas or where conditions show no or a reduced market for paid parking;*]

[(b) *Establish fees in excess of the base rate where reserved parking is provided, space is leased to other than state employees and officers or for other than state purposes, or where debt service payments or the cost to provide the parking require a higher rate schedule;*]

[(c) *Establish fees less than the base rate where the agency determines that community hardship or significant reduction in demand for the parking is deemed likely to occur; and*]

[(d) *Establish special fees for the parking of motorcycles, bicycles and similar vehicles in state-controlled parking facilities.*]

[(4) *Except as otherwise provided by state or federal law, the receipts obtained under this section shall be retained by the state agency which owns, or controls through direct lease, lease purchase or installment purchase agreement, the grounds or facilities for which such receipts were collected.*]

(1) No less than once per biennium, the Oregon Department of Administrative Services shall study and determine the typical market parking rate for any area in which there is a parking facility.

(2) An agency responsible for leasing a space under ORS 276.594 and 276.595 shall establish a base rate for leasing a space at an amount no less than:

(a) The amount calculated by the agency to produce revenues that are expected to cover the agency's costs to provide such parking facilities, including amounts necessary to operate, maintain and improve the parking facilities, to cover required depreciation and debt service expenditures and to offset any revenues lost through reductions or incentives under subsection (3) or (4) of this section; and

(b) The typical market parking rate for the area, as determined by the department under subsection (1) of this section.

(3) Subject to rules established by the department, and consistent with the policies under ORS 276.591, an agency may establish fees below the base rate, or provide reduced-cost or free parking:

(a) For employees who have been issued a disabled person parking permit by the Department of Transportation and require the use of their vehicle in traveling to and from work;

(b) For employees who have registered with and are participating in a carpool or vanpool;

(c) For employees participating in a program which encourages the use of parking spaces in noncongested areas;

(d) For motorcycles, bicycles and similar vehicles;

(e) To reduce a public hardship to those transacting business with the state agency or using the state agency services, but not including state employees; or

(f) Where conditions show that within the area there is no market or a reduced market for parking spaces.

(4) The state agency that controls the parking facility retains funds collected under this section. Funds collected under this section must be first used to cover the costs of parking as provided under subsection (2)(a) of this section. Agencies are encouraged to use additional receipts obtained under this section to offer programs to incentivize employee carpooling, vanpooling, transit use or other alternative commuting to support the goals under ORS 276.591.

(5) Subject to rules established by the department, an agency may establish fees in excess of the base rate for individually reserved parking spaces or parking spaces with greater desirability or quality.

(6) The state agency may designate spaces within a parking facility that are not leased as available to the public as free or metered spaces.

(7) Except as provided in this section, a state agency may not provide an employee with parking vouchers or reduced or free parking within a parking facility.

STATE VEHICLES

SECTION 5. Section 8, chapter 565, Oregon Laws 2019, is amended to read:

Sec. 8. The amendments to ORS 283.327 by section 4 [of this 2019 Act], chapter 565, Oregon Laws 2019, become operative on January 1, [2029] 2025.

SECTION 6. ORS 283.327 is amended to read:

283.327. (1)(a) Unless a state agency finds that it is not feasible for a zero-emission vehicle, as defined in ORS 283.398, to meet the specific use for which a vehicle will be purchased or leased, by 2025 the agency shall purchase or lease zero-emission vehicles for at least 25 percent of new state light-duty vehicle purchases and leases, to the extent zero-emission vehicles are available.

(b) If the agency finds that purchasing or leasing zero-emission vehicles is not feasible, the agency may purchase or lease light-duty vehicles that are capable of using alternative fuel and that meet the requirements established by the Comprehensive National Energy Policy Act of 1992 (P.L. 102-486).

(c) If the agency finds that purchasing or leasing zero-emission vehicles is not feasible and that purchasing or leasing light-duty vehicles that are capable of using alternative fuel and that meet the requirements established by the Comprehensive National Energy Policy Act of 1992 (P.L. 102-486) is not feasible, the agency may purchase or lease vehicles that **the Oregon Department of Administrative Services, in consultation with** the Department of Environmental Quality, has identified [by rule] in written policy as low-emission vehicles.

(2) To the maximum extent feasible, state-owned motor vehicles shall be zero-emission vehicles or use alternative fuel for operation.

(3) Each agency owning motor vehicles shall comply with all safety standards established by the United States Department of Transportation in the conversion, operation and maintenance of vehicles using alternative fuel.

(4) To the maximum extent economically possible, state-owned structures shall use biofuel, or direct-application electricity generated from biofuel, where diesel is currently utilized for stationary or back-up generation.

(5) As used in this section:

(a) "Light-duty vehicle" includes passenger cars, sedans, station wagons, pickup trucks with a gross vehicle rating of 8,000 pounds or less, minivans equipped for passengers or cargo, sports utility vehicles, crossover utility vehicles and specialty vehicles similar to vehicles identified in this paragraph.

(b) "Light-duty vehicle" does not include police vehicles, fire vehicles, trucks to which a load-carrying device or container is not attached or trucks that are equipped with a dump, flatbed, tank, boom lift, crane or similar device.

SECTION 7. ORS 283.327, as amended by section 4, chapter 565, Oregon Laws 2019, is amended to read:

283.327. (1)(a) Unless a state agency finds that it is not feasible for a zero-emission vehicle, as defined in ORS 283.398, to meet the specific use for which a vehicle will be purchased or leased, the agency shall purchase or lease zero-emission vehicles for all new state light-duty vehicle purchases and leases.

(b) If the agency finds that purchasing or leasing zero-emission vehicles is not feasible, the agency may purchase or lease light-duty vehicles that are capable of using alternative fuel and that meet the requirements established by the Comprehensive National Energy Policy Act of 1992 (P.L. 102-486).

(c) If the agency finds that purchasing or leasing zero-emission vehicles is not feasible and that purchasing or leasing light-duty vehicles that are capable of using alternative fuel and that meet the requirements established by the Comprehensive National Energy Policy Act of 1992 (P.L. 102-486) is not feasible, the agency may purchase or lease vehicles that **the Oregon Department of Administrative Services, in consultation with** the Department of Environmental Quality, has identified [by rule] **in written policy** as low-emission vehicles.

(2) To the maximum extent feasible, state-owned motor vehicles shall be zero-emission vehicles [or use alternative fuel for operation].

(3) Each agency owning motor vehicles shall comply with all safety standards established by the United States Department of Transportation in the conversion, operation and maintenance of vehicles using alternative fuel.

(4) To the maximum extent economically possible, state-owned structures shall use biofuel, or direct-application electricity generated from biofuel, where diesel is currently utilized for stationary or back-up generation.

(5) As used in this section:

(a) "Light-duty vehicle" includes passenger cars, sedans, station wagons, pickup trucks with a gross vehicle rating of 8,000 pounds or less, minivans equipped for passengers or cargo, sports utility vehicles, crossover utility vehicles and specialty vehicles similar to vehicles identified in this paragraph.

(b) "Light-duty vehicle" does not include police vehicles, fire vehicles, trucks to which a load-carrying device or container is not attached or trucks that are equipped with a dump, flatbed, tank, boom lift, crane or similar device.

UNIT CAPTIONS

SECTION 8. The unit captions used in this 2021 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 2021 Act.

Passed by House April 6, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 18, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State