



DATE: March 4, 2021

TO: Co-Chairs McLain and Beyer, Joint Committee on Transportation

FROM: Mike Bezner, Oregon Association of County Engineers & Surveyors President
Brian Worley, Association of Oregon Counties Road Program Director

RE: Senate Bill 395

Co-Chairs McLain and Beyer, Members of the Joint Committee on Transportation,

On behalf of the Oregon Association of County Engineers and Surveyors (OACES) which represents county public works agencies and road departments, and the Association of Oregon Counties (AOC) which represents Oregon's 36 county governments, we submit the following testimony in opposition to Senate Bill 395 as drafted.

Background:

Oregon counties are responsible for the largest share of Oregon's public road system, with over 32,000 road miles under county jurisdiction (41 percent) and over 3,400 bridges. Counties rely on their statutorily guaranteed 30 percent of State Highway Fund allocations to provide essential services, and for preservation and maintenance of critical infrastructure, roads, bridges, sidewalks, paths, traffic signals, and vegetation management to ensure a safe and reliable multimodal transportation system to connect people and support our economy.

Over the past two decades, dwindling federal funds and shared U.S. Forest Service timber receipts, increasing deferred maintenance, and limited local funding options have forced severe cuts to county transportation department budgets. This has been exacerbated by the COVID-19 pandemic— counties will lose an estimated \$60 million in projected State Highway Fund dollars from March 2020 through the end of Fiscal Year 2021, and an additional \$40 million by 2025. The State Highway Fund is the largest dedicated funding source (50 percent on average) for county road maintenance and preservation in the public right of way.

AOC and OACES were key partners in the crafting and passage of HB 2017 (2017) "Keep Oregon Moving," the largest transportation package in Oregon's history, and largest expansion of multimodal, bike, and pedestrian funding in Oregon's history. Passing new unfunded mandates on the original intent of HB 2017, as proposed in Senate Bill 395, goes back on the long standing commitments of all transportation partners and Oregon tax payers' infrastructure funding expectations.

Counties take seriously their commitment to the overall safety and well-being of their citizens which includes the safety of all modal users of the unique and diverse county road system. County road officials use a variety of engineering tools to improve road safety and expanded funding, particularly on rural roads, which are less forgiving than urban roads due to higher rates of speeds and longer emergency response times.

Counties are also committed to expanding and upgrading bicycle and footpaths. Many counties currently allocate significantly more State Highway Fund resources than the required one percent annually, and do so according to local needs, priorities, context to a project location, and capacity. This commitment also includes county support for Oregon's first-in-the-nation Scenic Bikeways Program routes that traverse many county roads across the state supporting tourism in small communities and rural economies.

Summary of Concerns:

As described above, and due to an estimated combined \$100 million annual backlog of deferred transportation maintenance, counties must be deliberate, strategic, and efficient with their limited resources. Because Senate Bill 395 removes local control over community investments and mandates the diversion of four percent of county road budgets (approximately \$12-14 million annually) OACES and AOC oppose the measure as written.

- **Unfunded mandate:** SB 395 requires increased expenditures of State Highway Fund dollars on footpaths and bike trails from one percent to five percent. This proposed mandate without a new revenue source would remove local decision making, community priorities, and budget flexibility and efficiency when leveraging limited transportation funding sources, and will divert funding from preservation, maintenance, and other safety improvements.
- **Expansion to all road "resurfacing" projects:** SB 395 requires all "resurfacing" projects to include expenditures on footpaths and bicycle trails (currently only when road is "constructed, reconstructed, or relocated.") Adding resurfacing to required projects greatly expands the scope and intent of the original law to require bike/ped improvements to almost every State Highway Fund funded project regardless of context and project need. This expansion will increase costs to the basic preservation and maintenance of roads in all jurisdictions across the state.
- **Removes rural and small project exemptions:** SB 395 removes the current exemption for small and rural project context of bike/ped projects to ensure they are not excessively disproportionate to the need, use, or where sparsity of population makes such paths and trails inappropriate, and replaces these exemptions with an arbitrary threshold not to exceed "20% of the cost of the project."
- **Excludes highway shoulders from definition of bicycle trail:** SB 395 defines bicycle trail to not include the highway shoulder, as defined in ORS 801.480. Many rural county roads have extended paved shoulders where appropriate based on the context of the road and maintain those shoulders for safe bicycle use. Removing this highway

shoulders would force many rural counties to forego shoulder maintenance for bicycle use and redirect funds to other uses.

- **Removes local safety measures and control of right-of-way:** SB 395 requires a county to allow use of electric assisted bicycles and motor assisted scooters on footpaths and bike trails. Most counties do not currently regulate or plan to regulate these uses, but removing local governments control and mandating right-of-way access to motorized and other vehicles is a safety concern in certain contexts where only pedestrian or other, non-motorized, uses should be allowed and regulated.
- **Requires new and duplicative annual reporting:** SB 395 requires new annual reporting by ODOT on the use of these funds, which already exists in other statutes and creates a larger administrative burden and expense to the state and local governments. ORS 366.774 currently requires counties to report authorized use of allocation of State Highway Fund dollars, including documentation of bicycle path expenditures, to the Legislative Assembly annually.

Finally, OACES and AOC appreciate the inclusion of a local land use planning professional on the Oregon Bicycle and Pedestrian Advisory Committee and respectfully request that the list of required members also include a county engineer or road official.

We appreciate your consideration and continued support of counties' ability to invest limited State Highway Fund dollars according to local priorities, preservation, operations, and maintenance needs. While we understand and appreciate the goals of the proposal, OACES and AOC oppose Senate Bill 395 as written.

Sincerely,



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