

B-Engrossed
House Bill 2793

Ordered by the House June 9
Including House Amendments dated May 18 and June 9

Sponsored by Representatives BOWMAN, NOSSE; Representatives CHAICHI, CONRAD, ELMER, GAMBA, HARTMAN, LIVELY, MCINTIRE, OWENS, PHAM K, WALTERS, WRIGHT (Presession filed.)

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.

Establishes Jurisdictional Transfer Advisory Committee within Department of Transportation.
Sunsets **committee** January 2, 2029.

Increases expenditure limitation for Department of Transportation to carry out provisions of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 802.348; and declaring an emer-
3 gency.

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

5 **SECTION 1. (1) The Jurisdictional Transfer Advisory Committee is established within the**
6 **Department of Transportation.**

7 **(2) The committee consists of 11 members appointed by the Governor. The members of**
8 **the committee shall include:**

9 **(a) Two members who are transportation engineers;**

10 **(b) Two members who represent cities and who have experience working on transporta-**
11 **tion projects;**

12 **(c) One member who represents a county and who has experience working on transpor-**
13 **tation projects;**

14 **(d) One member who represents a regional government and who has experience working**
15 **on transportation projects;**

16 **(e) One member who represents road users;**

17 **(f) One member who represents law enforcement;**

18 **(g) One member who represents transit users;**

19 **(h) One member who represents the advisory committee on bicycle traffic established in**
20 **ORS 366.112; and**

21 **(i) One member who represents the Transportation Safety Committee established in ORS**
22 **802.300.**

23 **(3) The Governor shall appoint members to the Jurisdictional Transfer Advisory Com-**
24 **mittee so that there is at least one member of the committee from each congressional dis-**
25 **trict in this state.**

26 **(4) The Jurisdictional Transfer Advisory Committee shall, from the jurisdictional transfer**

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 applications submitted under section 3 of this 2023 Act:

2 (a) Review the applications; and

3 (b) Develop a list of three jurisdictional transfers to recommend for funding.

4 (5) The committee shall actively solicit reviews and comments from the Oregon Trans-
5 portation Commission in the development of the list described in subsection (4)(b) of this
6 section. The committee shall also shall take into consideration the following:

7 (a) The difference between the applicant's and the department's standards of mainte-
8 nance;

9 (b) The amount of deferred maintenance;

10 (c) A description of how the highway is used in the community;

11 (d) The climate impact of a transfer and subsequent upgrades the applicant could provide;

12 (e) The potential positive impacts on historically underserved groups;

13 (f) The increase in multimodal transportation options provided by a transfer;

14 (g) A description of the safety issues that exist; and

15 (h) A transfer readiness assessment that may include:

16 (A) The interest of the community;

17 (B) Funding capacity of the applicant for the transfer and maintenance in the future; and

18 (C) The existing condition of the highway and its current state of maintenance.

19 (6) No later than September 15 of each even-numbered year, the Jurisdictional Transfer
20 Advisory Committee shall submit a report to the Joint Committee on Transportation, in the
21 manner provided in ORS 192.245, that includes the list of jurisdictional transfers recom-
22 mended for funding under subsection (4)(b) of this section.

23 (7) The term of office of each member of the Jurisdictional Transfer Advisory Committee
24 is four years, but a member serves at the pleasure of the Governor. Before the expiration
25 of the term of a member, the Governor shall appoint a successor whose term begins on
26 January 1 next following. A member is eligible for reappointment. However, a member of the
27 committee may not serve more than two terms. If there is a vacancy for any cause, the
28 Governor shall make an appointment to become immediately effective for the unexpired
29 term. When a vacancy occurs in an appointment made from a congressional district, the
30 successor shall be appointed from the congressional district for which the vacancy exists.

31 (8) A majority of the members of the committee constitutes a quorum for the transaction
32 of business.

33 (9) Official action by the committee requires the approval of a majority of the members
34 of the committee.

35 (10) The committee shall elect one of its members to serve as chairperson.

36 (11) The committee shall meet at times and places specified by the call of the chairperson
37 or of a majority of the members of the committee, provided that the committee meets at
38 least four times a year.

39 (12) The committee may adopt rules necessary for the operation of the committee.

40 (13) The Department of Transportation shall provide assistance and space for meetings
41 as requested by the chair of the committee.

42 (14) Qualified members, as defined in ORS 292.495, of the advisory committee are entitled
43 to compensation for actual and necessary travel or other expenses incurred in the perform-
44 ance of their official duties as specified for qualified members of boards or commissions in
45 ORS 292.495 (4).

1 **SECTION 2.** Notwithstanding the term of office specified by section 1 of this 2023 Act,
2 of the members first appointed by the Governor to the Jurisdictional Transfer Advisory
3 Committee:

- 4 (1) Two shall serve for a term ending January 1, 2025.
- 5 (2) Three shall serve for a term ending January 1, 2026.
- 6 (3) Three shall serve for a term ending January 1, 2027.
- 7 (4) Three shall serve for a term ending January 1, 2028.

8 **SECTION 3.** (1) The Department of Transportation shall adopt rules specifying the pro-
9 cess by which a city or county may apply for inclusion on the list of jurisdictional transfers
10 recommended for funding and submitted to the Joint Committee on Transportation under
11 section 1 of this 2023 Act.

12 (2) An application under this section must be on a form prescribed by the department
13 and must include the following:

- 14 (a) The name of the city or county;
- 15 (b) A description of the portion of the highway to be transferred;
- 16 (c) A desired timeline for the transfer;
- 17 (d) The scope of the transfer;
- 18 (e) A description of which body assumes liability during and after the transfer;
- 19 (f) The cost to update the segment of highway transferred to a state of good repair; and
- 20 (g) Any other information necessary or helpful to the Jurisdictional Transfer Advisory

21 Committee established in section 1 of this 2023 Act in making its recommendations to the
22 Joint Committee on Transportation.

23 (3) A jurisdictional transfer applicant must submit:

- 24 (a) Plans to provide at least 20 percent of the moneys required for the jurisdictional
25 transfer; and
- 26 (b) A community vision plan that describes the applicant's plan for managing and im-
27 proving the highway.

28 **SECTION 4.** ORS 802.348 is amended to read:

29 802.348. (1) The Department of Transportation shall ensure that the membership of advisory
30 committees to the department reflects the racial and ethnic and ability composition of this state as
31 determined by the most recent American Community Survey from the United States Census Bureau.

32 (2) Subsection (1) of this section applies to all advisory committees to the department, including
33 but not limited to:

- 34 (a) The Continuous Improvement Advisory Committee established in ORS 184.665.
- 35 (b) The Freight Advisory Committee established in ORS 366.212.
- 36 (c) The Road User Fee Task Force established in ORS 184.843.
- 37 (d) Any stakeholder forum established under ORS 366.215.
- 38 (e) The advisory committee on vehicle dealer regulation established in ORS 802.370.
- 39 (f) The advisory committee on bicycle traffic established in ORS 366.112.
- 40 (g) The Transportation Safety Committee established in ORS 802.300.

41 **(h) The Jurisdictional Transfer Advisory Committee established in section 1 of this 2023**
42 **Act.**

43 **SECTION 5.** ORS 802.348, as amended by section 4 of this 2023 Act, is amended to read:

44 802.348. (1) The Department of Transportation shall ensure that the membership of advisory
45 committees to the department reflects the racial and ethnic and ability composition of this state as

1 determined by the most recent American Community Survey from the United States Census Bureau.

2 (2) Subsection (1) of this section applies to all advisory committees to the department, including
3 but not limited to:

4 (a) The Continuous Improvement Advisory Committee established in ORS 184.665.

5 (b) The Freight Advisory Committee established in ORS 366.212.

6 (c) The Road User Fee Task Force established in ORS 184.843.

7 (d) Any stakeholder forum established under ORS 366.215.

8 (e) The advisory committee on vehicle dealer regulation established in ORS 802.370.

9 (f) The advisory committee on bicycle traffic established in ORS 366.112.

10 (g) The Transportation Safety Committee established in ORS 802.300.

11 *[(h) The Jurisdictional Transfer Advisory Committee established in section 1 of this 2023 Act.]*

12 **SECTION 6. The amendments to ORS 802.348 by section 5 of this 2023 Act become oper-**
13 **ative on January 1, 2029.**

14 **SECTION 7. Sections 1, 2 and 3 of this 2023 Act are repealed on January 2, 2029.**

15 **SECTION 8. Notwithstanding any other law limiting expenditures, the limitation on**
16 **expenditures established by section 2 (3), chapter _____, Oregon Laws 2023 (Enrolled House**
17 **Bill 5040), for the biennium beginning July 1, 2023, as the maximum limit for payment of ex-**
18 **penditures from fees, moneys or other revenues, including Miscellaneous Receipts and federal**
19 **funds received as reimbursement from the United States Department of Transportation, but**
20 **excluding lottery funds and federal funds not described in section 2 (3), chapter _____,**
21 **Oregon Laws 2023 (Enrolled House Bill 5040), collected or received by the Department of**
22 **Transportation, for project delivery and support, is increased by \$220,568.**

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

26 _____