

Senate Bill 1202

Sponsored by Senators GORSEK, PHAM K; Representatives GAMBA, MANNIX

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates a new agency to govern rail and transit in Oregon. The new agency name is the Oregon Rail and Transit Department. Transfers duties of governing rail from ODOT to the ORTD. (Flesch Readability Score: 65.9).

Creates the Oregon Rail and Transit Department. Creates the State Rail and Transit Board. Transfers the duties and functions of the Department of Transportation relating to rail and public transit to the Oregon Rail and Transit Department.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to transportation; creating new provisions; amending ORS 164.805, 184.615, 184.617, 184.632, 184.642, 184.651, 184.675, 184.685, 184.689, 184.691, 184.705, 184.710, 184.720, 184.725, 184.730, 184.733, 184.751, 184.758, 184.761, 184.766, 197.794, 197A.505, 197A.507, 197A.509, 197A.515, 209.300, 244.050, 267.210, 267.230, 267.575, 271.310, 279A.050, 279A.130, 279C.307, 279C.335, 279C.345, 279C.350, 279C.355, 279C.360, 279C.390, 291.407, 315.593, 315.595, 315.597, 315.599, 323.455, 323.457, 332.427, 367.067, 367.070, 367.084, 374.020, 390.308, 391.120, 391.125, 391.130, 391.140, 391.150, 391.605, 453.392, 453.635, 466.080, 469.607, 608.310, 657.665, 657B.400, 772.025, 802.110, 811.465, 823.009, 823.011, 823.013, 823.015, 823.021, 823.023, 823.025, 823.027, 823.029, 823.031, 823.033, 823.035, 823.037, 823.061, 823.071, 823.081, 823.083, 823.101, 823.103, 823.991, 824.010, 824.012, 824.014, 824.016, 824.018, 824.019, 824.020, 824.026, 824.030, 824.042, 824.045, 824.050, 824.052, 824.054, 824.056, 824.058, 824.060, 824.068, 824.080, 824.082, 824.086, 824.090, 824.092, 824.108, 824.110, 824.202, 824.204, 824.206, 824.208, 824.210, 824.212, 824.214, 824.216, 824.218, 824.220, 824.222, 824.223, 824.224, 824.226, 824.228, 824.230, 824.232, 824.234, 824.236, 824.238, 824.240, 824.242, 824.246, 824.250, 824.252, 824.254, 824.400, 824.420, 824.430, 824.990 and 824.992 and section 13a, chapter 581, Oregon Laws 2019, and section 9, chapter 13, Oregon Laws 2023; repealing ORS 824.410; and prescribing an effective date.

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

ESTABLISHMENT OF THE OREGON RAIL AND TRANSIT DEPARTMENT AND STATE RAIL AND TRANSIT BOARD

SECTION 1. Sections 2 to 10 of this 2025 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) The Oregon Rail and Transit Department is established.

(2) The department is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers of the department.

(3) For purposes of administration, subject to the approval of the State Rail and Transit

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 Board, the director may organize and reorganize the department as the director considers
2 necessary to conduct properly the work of the department.

3 (4) In addition to the powers and duties otherwise provided by law, the department shall
4 promote, sustain and expand the availability of passenger and commuter rail service, com-
5 mercial freight rail and public transit in Oregon. The department shall endeavor to increase
6 ridership of such services by connecting population centers with passenger and commuter
7 rail, increasing intracity and intercity transit options and the availability of such services.
8 The department shall collaborate with railroads, as defined in ORS 824.020, and take actions
9 that advance the goals of increased statewide freight capacity, improved rail safety and the
10 construction of railroad-highway crossings at separated grades.

11 **SECTION 3.** (1) The State Rail and Transit Board is established.

12 (2) The State Rail and Transit Board consists of seven members appointed by the Gov-
13 ernor.

14 (3) The term of office of each member of the board is four years, but a member serves
15 at the pleasure of the Governor. Before the expiration of the term of a member, the Gover-
16 nor shall appoint a successor whose term begins on July 1 next following. A member is eli-
17 gible for reappointment. If there is a vacancy for any cause, the Governor shall make an
18 appointment to become immediately effective for the unexpired term.

19 (4) The appointment of each member of the board is subject to confirmation by the Sen-
20 ate in the manner prescribed in ORS 171.562 and 171.565.

21 (5) A member of the board is entitled to compensation and expenses as provided in ORS
22 292.495.

23 **SECTION 4.** Notwithstanding the term of office specified by section 3 of this 2025 Act,
24 of the members first appointed to the State Rail and Transit Board:

25 (1) One shall serve for a term ending July 1, 2027.

26 (2) Two shall serve for terms ending July 1, 2028.

27 (3) Two shall serve for terms ending July 1, 2029.

28 (4) Two shall serve for terms ending July 1, 2030.

29 **SECTION 5.** (1) The Governor shall appoint one member of the State Rail and Transit
30 Board as chairperson and another member as vice chairperson. The chairperson and vice
31 chairperson shall have such terms, duties and powers as the board determines are necessary
32 for the performance of such offices.

33 (2) A majority of the members of the board constitutes a quorum for the transaction of
34 business.

35 (3) The board shall meet at least once a quarter, at a time and place determined by the
36 members of the board. The board shall also meet at such other times and places as are
37 specified by the call of the chairperson or of a majority of the board.

38 (4) No vacancy shall impair the right of the remaining board members to exercise all the
39 powers of the board, except that four members of the board shall constitute a quorum for
40 the conduct of business of the board, and, in case the board members are unable to agree,
41 the Governor shall have the right to vote as a member of the board.

42 (5) The board may provide an official seal.

43 **SECTION 6.** (1) The Governor shall appoint the Director of the Oregon Rail and Transit
44 Department, who holds office at the pleasure of the Governor.

45 (2) The appointment of the director is subject to confirmation by the Senate in the

1 manner prescribed in ORS 171.562 and 171.565.

2 (3) The Governor may not appoint a person as director unless the person has experience
3 in rail operations or management, or public transit operations or management.

4 (4) Subject to section 10 of this 2025 Act and the policy direction by the State Rail and
5 Transit Board, the director shall:

6 (a) Be the administrative head of the Oregon Rail and Transit Department;

7 (b) Have power, within applicable budgetary limitations, and in accordance with ORS
8 chapter 240, to hire, assign, reassign and coordinate personnel of the department and pre-
9 scribe their duties and fix their compensation, subject to the State Personnel Relations Law;

10 (c) Administer the laws of the state concerning rail and public transit; and

11 (d) Intervene, as authorized by the board, pursuant to the rules of practice and proce-
12 dure, in the proceedings of state and federal agencies that may substantially affect the in-
13 terests of the consumers and providers of rail and public transit services within Oregon.

14 (5) Subject to section 10 of this 2025 Act, in addition to duties otherwise required by law,
15 the director shall prescribe regulations for the government of the department, the conduct
16 of its employees, the assignment and performance of its business and the custody, use and
17 preservation of its records, papers and property in a manner consistent with applicable law.

18 (6) The director may delegate to any of the employees of the department the exercise or
19 discharge in the director's name of any duty, function or power of whatever character,
20 vested in or imposed by law upon the director, including duties, functions or powers deleg-
21 ated to the director by the board. The official act of any person acting in the director's name
22 and by the authority of the director shall be considered to be an official act of the director.

23 (7) The director shall have authority to require a fidelity bond of any officer or employee
24 of the department who has charge of, handles or has access to any state money or property,
25 and who is not otherwise required by law to give a bond. The amounts of the bonds shall be
26 fixed by the director, except as otherwise provided by law, and the sureties shall be approved
27 by the director. The department shall pay the premiums on the bonds.

28 (8) The director shall prepare and submit to the board on or about December 31 of each
29 year an annual report for the 12 months ending the prior June 30. The annual report shall
30 set forth all that the department has done during the year. The report shall contain a
31 statement of the parts of the state rail and public transit system that were constructed,
32 reconstructed or improved during the period, together with a statement showing in a general
33 way the status of the state rail and public transit system.

34 (9) The director shall be paid a salary as provided by law or, if not so provided, as pre-
35 scribed by the Governor.

36 **SECTION 7.** Subject to section 10 of this 2025 Act, the Director of the Oregon Rail and
37 Transit Department may enter into any contracts authorized by the State Rail and Transit
38 Board and necessary to the execution of the powers granted by sections 2 to 10 of this 2025
39 Act. All contracts made by the director, either as the agent of the state or as the agent of
40 any municipality, shall be made pursuant to the laws of the state governing the making of
41 like contracts.

42 **SECTION 8.** In accordance with applicable provisions of ORS chapter 183, the Director
43 of the Oregon Rail and Transit Department may adopt rules necessary for the administration
44 of the laws that the Oregon Rail and Transit Department is charged with administering.

45 **SECTION 9.** The Director of the Oregon Rail and Transit Department and specially au-

1 **thorized representatives of the director may administer oaths, take depositions and issue**
 2 **subpoenas to compel the attendance of witnesses and the production of documents or other**
 3 **written information necessary to carry out the functions of the Oregon Rail and Transit**
 4 **Department. If any person fails to comply with a subpoena issued under this section or re-**
 5 **fuses to testify on matters on which the person lawfully may be interrogated, the procedure**
 6 **set out in ORS 183.440 shall be followed to compel obedience.**

7 **SECTION 10. (1) At the request of the Director of the Oregon Rail and Transit Depart-**
 8 **ment, the Department of Transportation shall provide any of the following central business**
 9 **operating services for the Oregon Rail and Transit Department:**

10 **(a) Budget preparation services;**

11 **(b) Daily processing for accounts payable, accounts receivable, payroll, receipts and dis-**
 12 **bursements;**

13 **(c) Records and inventory maintenance accounting services;**

14 **(d) Financial management reports and revenue and expenditure projections;**

15 **(e) Purchasing, leasing and contracting services;**

16 **(f) Internal audit services;**

17 **(g) Computer and information system services; and**

18 **(h) Human resources services.**

19 **(2) The Oregon Rail and Transit Department shall comply with all rules adopted by the**
 20 **Department of Transportation related to the services provided by the Department of Trans-**
 21 **portation under subsection (1) of this section.**

22 **(3) The Department of Transportation may charge the Oregon Rail and Transit Depart-**
 23 **ment a fee for the services the Department of Transportation provides under this section.**
 24 **The Department of Transportation shall calculate the rate of the fee using the same meth-**
 25 **odology the Department of Transportation uses to calculate the central services assessment**
 26 **imposed within the Department of Transportation for similar services. The Oregon Rail and**
 27 **Transit Department shall pay any fees imposed under this section within 30 days of receiving**
 28 **the request for payment.**

29 **(4) All moneys received by the Department of Transportation under this section shall be**
 30 **paid into the State Treasury each month and credited to the Department of Transportation**
 31 **Operating Fund established by ORS 184.642.**

32 **(5) The Department of Transportation shall adopt rules for the administration and im-**
 33 **plementation of this section.**

34
 35 **TRANSFER OF RAIL, LIGHT RAIL AND PUBLIC TRANSIT TO THE**
 36 **OREGON RAIL AND TRANSIT DEPARTMENT**
 37

38 **SECTION 11. The duties, functions and powers of the Department of Transportation re-**
 39 **lated to rail, light rail and public transit are transferred to the Oregon Rail and Transit De-**
 40 **partment.**

41 **SECTION 12. (1) Section 2 of this 2025 Act is intended to establish the Oregon Rail and**
 42 **Transit Department as a state agency that is separate from the Department of Transporta-**
 43 **tion.**

44 **(2) Subject to section 10 of this 2025 Act, for the purpose of making the Oregon Rail and**
 45 **Transit Department separate from the Department of Transportation, the Director of**

1 **Transportation shall:**

2 (a) **Deliver to the Oregon Rail and Transit Department all records and property within**
3 **the jurisdiction of the Director of Transportation that relate to the duties, functions and**
4 **powers of the Director of Transportation regarding rail and public transit; and**

5 (b) **Transfer to the Oregon Rail and Transit Department those employees engaged pri-**
6 **marily in the exercise of the duties, functions and powers relating to rail and public transit.**

7 (3) **The Oregon Rail and Transit Department shall take possession of such property, and**
8 **shall take charge of such employees and employ them in the exercise of their duties, func-**
9 **tions and powers as employees of the Oregon Rail and Transit Department, without re-**
10 **duction of compensation but subject to change or termination of employment or**
11 **compensation as provided by law.**

12 (4) **The Governor shall resolve any dispute between the Department of Transportation**
13 **and the Oregon Rail and Transit Department relating to transfers of records, property and**
14 **employees under this section, and the Governor's decision is final.**

15 **SECTION 13. (1) Except as otherwise provided in section 17 of this 2025 Act, the unex-**
16 **pendended balances of amounts authorized to be expended by the Department of Transportation**
17 **for the biennium beginning July 1, 2025, from revenues dedicated, continuously appropriated,**
18 **appropriated or otherwise made available for the purpose of administering and enforcing the**
19 **duties, functions and powers transferred by section 11 of this 2025 Act are transferred to and**
20 **are available for expenditure by the Oregon Rail and Transit Department for the biennium**
21 **beginning July 1, 2025, for the purpose of administering and enforcing the duties, functions**
22 **and powers transferred by section 11 of this 2025 Act.**

23 (2) **The expenditure classifications, if any, established by Acts authorizing or limiting**
24 **expenditures by the Department of Transportation remain applicable to expenditures by the**
25 **Oregon Rail and Transit Department under this section.**

26 **SECTION 14. The transfer of duties, functions and powers to the Oregon Rail and Transit**
27 **Department by section 11 of this 2025 Act does not affect any action, proceeding or prose-**
28 **cution involving or with respect to such duties, functions and powers begun before and**
29 **pending at the time of the transfer, except that the Oregon Rail and Transit Department is**
30 **substituted for the Department of Transportation in the action, proceeding or prosecution.**

31 **SECTION 15. (1) Nothing in the transfer effected by section 11 of this 2025 Act relieves**
32 **any person of any obligation with respect to a tax, fee, fine or other charge, interest, penalty,**
33 **forfeiture or other liability, duty or obligation.**

34 (2) **The rights and obligations of the Department of Transportation legally incurred under**
35 **contracts, leases and business transactions executed, entered into or begun before the op-**
36 **erative date of section 11 of this 2025 Act are transferred to the Oregon Rail and Transit**
37 **Department. For the purpose of succession to these rights and obligations, the Oregon Rail**
38 **and Transit Department is a continuation of the Department of Transportation and not a**
39 **new authority.**

40 **SECTION 16. Whenever, in any law or resolution of the Legislative Assembly or in any**
41 **rule, document, record or proceeding authorized by the Legislative Assembly, reference is**
42 **made to the rail, light rail or public transit functions of the Department of Transportation,**
43 **or an employee of the Department of Transportation, whose duties, functions or powers are**
44 **transferred by section 11 of this 2025 Act, except as otherwise specifically provided, the ref-**
45 **erence is considered to be a reference to the Oregon Rail and Transit Department or an**

1 employee of the Oregon Rail and Transit Department, as appropriate.

2 **SECTION 17.** (1) Sections 2 to 16, 98, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174,
3 176, 177, 179, 182, 184, 186, 188, 189 and 191 to 194 of this 2025 Act, the amendments to statutes
4 and session law by sections 22 to 97, 99 to 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169,
5 171, 173, 175, 178, 180, 181, 183, 185, 187 and 190 of this 2025 Act and the repeal of ORS 824.410
6 by section 195 of this 2025 Act become operative on July 1, 2026.

7 (2) Notwithstanding the operative date set forth in subsection (1) of this section, until
8 the Director of the Oregon Rail and Transit Department is appointed and has qualified, the
9 Department of Transportation and the Director of Transportation shall continue to exercise
10 and perform the duties, functions and powers transferred by section 11 of this 2025 Act, and
11 to have charge of the records, property, employees and moneys transferred under sections
12 11 to 13 of this 2025 Act. The Director of the Oregon Rail and Transit Department and the
13 State Rail and Transit Board may be appointed before the operative date set forth in sub-
14 section (1) of this section, and the Department of Transportation may take any actions be-
15 fore the operative date set forth in subsection (1) of this section that are necessary to enable
16 the Oregon Rail and Transit Department and the State Rail and Transit Board to exercise,
17 on and after the operative date set forth in subsection (1) of this section, all the duties,
18 functions and powers conferred on the Oregon Rail and Transit Department and the board
19 by sections 2 to 16, 98, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 177, 179, 182,
20 184, 186, 188, 189 and 191 to 194 of this 2025 Act, the amendments to statutes and session law
21 by sections 22 to 97, 99 to 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 178,
22 180, 181, 183, 185, 187 and 190 of this 2025 Act and the repeal of ORS 824.410 by section 195
23 of this 2025 Act.

24 (3) The Governor shall resolve any dispute between the Department of Transportation
25 and the Oregon Rail and Transit Department relating to transfers of records, property and
26 employees under this section, and the Governor's decision is final.

27 **SECTION 18.** Notwithstanding the transfer of duties, functions and powers by section 11
28 of this 2025 Act, the rules of the Department of Transportation in effect on the operative
29 date of section 11 of this 2025 Act continue in effect until superseded or repealed by rules
30 of the Oregon Rail and Transit Department. References in rules of the Department of
31 Transportation to the Department of Transportation or an officer or employee of the De-
32 partment of Transportation are considered to be references to the Oregon Rail and Transit
33 Department or an officer or employee of the Oregon Rail and Transit Department.

34 **SECTION 19.** (1) For the purpose of harmonizing and clarifying statute sections published
35 in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the
36 Department of Transportation and the Director of Transportation, wherever they occur in
37 statutory law, words designating the Oregon Rail and Transit Department and the Director
38 of the Oregon Rail and Transit Department.

39 (2) For the purpose of harmonizing and clarifying statute sections published in Oregon
40 Revised Statutes, the Legislative Counsel may substitute for words designating the Oregon
41 Transportation Commission, wherever they occur in statutory law, words designating the
42 State Rail and Transit Board.

43
44 **REPORT**
45

1 and detail as the [*Department of Transportation*] **Oregon Rail and Transit Department** shall pre-
 2 scribe and shall be subject to audit by the department. The department may refund any overpay-
 3 ment of any such fee in the same manner as other claims and expenses of the department are
 4 payable as provided by law.

5 **SECTION 23.** ORS 824.012 is amended to read:

6 824.012. Every person who fails to pay any fees provided for in ORS 824.010 after they are due
 7 and payable shall, in addition to such fees, pay a penalty of two percent of such fees for each and
 8 every month or fraction thereof that they remain unpaid. If, in the judgment of the [*Department of*
 9 *Transportation*] **Oregon Rail and Transit Department**, action is necessary to collect any unpaid
 10 fees or penalties, the department shall bring such action or take such proceedings as may be nec-
 11 essary thereon in the name of the State of Oregon in any court of competent jurisdiction, and be
 12 entitled to recover all costs and disbursements incurred therein.

13 **SECTION 24.** ORS 824.014 is amended to read:

14 824.014. (1) The Railroad Fund is established separate and distinct from the General Fund. In-
 15 terest earned, if any, shall inure to the benefit of the Railroad Fund. **All moneys in the Railroad**
 16 **Fund are continuously appropriated to the Oregon Rail and Transit Department.**

17 (2) All fees, penalties and other moneys collected by the [*Department of Transportation*] **Oregon**
 18 **Rail and Transit Department** under ORS 824.010 and 824.012 shall be paid by the department into
 19 the State Treasury within 30 days after the collection thereof, and shall be placed by the State
 20 Treasurer to the credit of the Railroad Fund created by subsection (1) of this section.

21 (3) The fees, penalties and other moneys collected from railroads shall be used only for the
 22 purpose of paying the expenses of the department in performing the duties imposed by law upon the
 23 department in respect to railroads.

24 **SECTION 25.** ORS 824.016 is amended to read:

25 824.016. (1) The State Rail Rehabilitation Fund is established as an account in the General Fund
 26 of the State Treasury. All moneys in the account are appropriated continuously to the [*Department*
 27 *of Transportation*] **Oregon Rail and Transit Department** for expenditures for any or all of the
 28 following:

29 (a) Acquisition of a railroad line.

30 (b) Rehabilitation or improvement of rail properties.

31 (c) Planning for rail services.

32 (d) Any other methods of reducing the costs of lost rail service in this state.

33 (e) Rail projects, including:

34 (A) Capacity improvements, such as:

35 (i) New or lengthened sidings;

36 (ii) Industrial spur rehabilitation; and

37 (iii) Industrial spur construction;

38 (B) Capital investments that improve safety; and

39 (C) Capital investments that reduce greenhouse gases.

40 (f) Providing state matching funds to leverage federal discretionary grant funding for rail
 41 projects.

42 (2) The program developed by the [*Department of Transportation*] **Oregon Rail and Transit**
 43 **Department** under this section to provide funds shall include:

44 (a) Development of a methodology for prioritizing funding that takes into consideration an
 45 applicant's ability to use funding sources to leverage federal discretionary grant funding for rail

1 projects.

2 (b) A requirement that rail projects selected are projects that are consistent with the goals of
3 the Oregon State Rail Plan.

4 (3) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall provide
5 funds under this section only with the approval of the [*Oregon Transportation Commission*] **State**
6 **Rail and Transit Board**.

7 (4) The department may use moneys in the fund to pay the department's administrative costs
8 associated with the fund and with carrying out the provisions of this section.

9 (5) Not later than December 31 of each even-numbered year, the department shall report, in the
10 manner provided in ORS 192.245, to the Joint Committee on Transportation regarding the expen-
11 ditures of moneys in the fund and the status of rail projects that have received moneys from the
12 fund.

13 **SECTION 26.** ORS 824.018 is amended to read:

14 824.018. (1) There is established in the State Highway Fund an account to be known as the
15 Grade Crossing Protection Account. There shall be credited to the account each fiscal year, from
16 funds received by the State Highway Fund from the registration of vehicles and licensing of drivers
17 under the Oregon Vehicle Code, the sum of \$300,000 plus an amount equal to 50 percent of the cost
18 of carrying out the duties, functions and powers imposed upon the [*Department of Transportation*]
19 **Oregon Rail and Transit Department** by ORS 824.200 to 824.256. State-shared highway fund re-
20 venues for cities and counties, as well as [*Department of Transportation*] **Oregon Rail and Transit**
21 **Department** expenditures for the elimination of hazardous railroad-highway crossings, shall be
22 computed and allocated prior to any appropriation or transfer to the account. The amount of
23 \$300,000 credited to the account is continuously appropriated **to the Oregon Rail and Transit**
24 **Department** and shall be expended for railroad-highway crossing safety as authorized by ORS
25 824.242 to 824.248 and subsection (2) of this section. The amount credited to the account for paying
26 the cost of carrying out the duties, functions and powers of the department by ORS 824.200 to
27 824.256 is transferred and appropriated to the [*Department of Transportation*] **Oregon Rail and**
28 **Transit Department** and shall be used as provided in ORS 824.010 (3). No more than \$100,000 in
29 the aggregate shall be allocated from the account in any one fiscal year for costs of construction,
30 reconstruction, alteration or relocation of separated crossings; provided however the unapportioned
31 amount in the Grade Crossing Protection Account at the end of each fiscal year may be allocated
32 for costs of reconstruction, alteration or relocation of separated crossings.

33 (2) Moneys credited to the account may also be allocated for such highway purposes as the
34 [*Department of Transportation*] **Oregon Rail and Transit Department** deems appropriate in order
35 to enhance safety at railroad-highway crossings. The [*Department of Transportation*] **Oregon Rail**
36 **and Transit Department** may allocate no more than \$100,000 annually to railroads to defray the
37 costs of maintenance of protective devices at railroad-highway crossings.

38 (3) As used in this section, "highway," "maintenance costs," "protective device" and "railroad"
39 have the meaning given those terms in ORS 824.200.

40 **SECTION 27.** ORS 824.019 is amended to read:

41 824.019. (1) The Grade Crossing Safety Improvement Fund is established separate and distinct
42 from the General Fund. Interest earned by the Grade Crossing Safety Improvement Fund shall be
43 credited to the fund.

44 (2) Notwithstanding [*ORS 823.991*] **section 191 of this 2025 Act**, all civil penalties collected
45 under ORS 824.222 and 824.223 shall be paid by the [*Department of Transportation*] **Oregon Rail and**

1 **Transit Department** into the State Treasury within 30 days after the collection thereof and shall
 2 be placed by the State Treasurer to the credit of the Grade Crossing Safety Improvement Fund.
 3 Moneys in the fund are continuously appropriated to the [*Department of Transportation*] **Oregon**
 4 **Rail and Transit Department** for the purpose of grade crossing safety improvement projects.

5 **SECTION 28.** ORS 824.020 is amended to read:

6 824.020. As used in ORS 824.020 to 824.042, unless the context requires otherwise:

7 (1) "Class I railroad" has the meaning given that term in rules adopted by the [*Department of*
 8 *Transportation*] **Oregon Rail and Transit Department**. The definition of "Class I railroad" in rules
 9 adopted by the [*Department of Transportation*] **Oregon Rail and Transit Department** shall be
 10 consistent, insofar as practicable, with the definition of the term under federal law and regulations.

11 (2) "Railroad" means all corporations, municipal corporations, counties, companies, individuals,
 12 associations of individuals and their lessees, trustees or receivers, that:

13 (a) Own, operate by steam, electric or other motive power, manage or control all or part of any
 14 railroad or interurban railroad as a common or for hire carrier in this state, or cars or other
 15 equipment used thereon, or bridges, terminals or sidetracks used in connection therewith, whether
 16 owned or operated under a contract, agreement, lease or otherwise.

17 (b) Are engaged in the ownership, management or control of terminals in this state, which cor-
 18 porations, municipal corporations, counties, companies, individuals and associations hereby are de-
 19 clared to be common and for hire carriers, or the transportation of property within this state by
 20 express.

21 **SECTION 29.** ORS 824.026 is amended to read:

22 824.026. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall
 23 employ at least three full-time railroad inspectors to assist the department as the department may
 24 prescribe in:

25 (a) Inquiring into any neglect or violation of and enforcing any law of this state or any law or
 26 ordinance of any municipality thereof relating to railroad safety;

27 (b) Inquiring into any neglect or violation of and enforcing any rule, regulation, requirement,
 28 order, term or condition issued by the department relating to railroad safety; and

29 (c) Conducting any investigative, surveillance and enforcement activities that the department is
 30 authorized to conduct under federal law in connection with any federal law, rule, regulation, order
 31 or standard relating to railroad safety.

32 (2) A railroad inspector may inspect any train and the contents thereof that the railroad in-
 33 spector reasonably believes is being operated in violation of any law, ordinance, rule, regulation,
 34 requirement, order, standard, term or condition referred to in subsection (1) of this section.

35 **SECTION 30.** ORS 824.030 is amended to read:

36 824.030. (1) Every railroad shall annually, on or before May 1, unless additional time is granted,
 37 file with the [*Department of Transportation*] **Oregon Rail and Transit Department** a report verified
 38 by a duly authorized officer, in such form and containing such information as the department shall
 39 prescribe, covering the year ending December 31 next preceding.

40 (2) Any railroad failing to make such report shall forfeit to the state, for each day's default, a
 41 sum not to exceed \$100, to be recovered in a civil action in the name of the State of Oregon.

42 **SECTION 31.** ORS 824.042 is amended to read:

43 824.042. The [*Department of Transportation*] **Oregon Rail and Transit Department** shall par-
 44 ticipate before the appropriate federal agency in all contested railroad line abandonment pro-
 45 ceedings involving the proposed abandonment of any railroad line in this state. Prior to such

1 participation, the department shall consult with public entities and users of railroad service affected
2 by the proposed abandonment.

3 **SECTION 32.** ORS 824.045 is amended to read:

4 824.045. (1) Subject to ORS 479.950, the [*Department of Transportation*] **Oregon Rail and Transit**
5 **Department**, by rule, shall establish a state safety oversight program that applies to all rail fixed
6 guideway public transportation systems in Oregon that are not subject to regulation by the Federal
7 Railroad Administration.

8 (2) For purposes of 49 U.S.C. 5329(e), the department is designated as the state safety oversight
9 agency to monitor compliance with the program for rail fixed guideway public transportation sys-
10 tems that are not subject to regulation by the Federal Railroad Administration. The state safety
11 oversight agency and rules:

12 (a) Shall implement the state safety oversight program in compliance with the requirements of
13 49 U.S.C. 5329.

14 (b) Shall review, approve, oversee and enforce the implementation, by the owner and operator
15 of a rail fixed guideway public transportation system, of the public transportation agency safety plan
16 adopted pursuant to 49 U.S.C. 5329(d).

17 (c) Shall inspect, investigate and enforce the safety of rail fixed guideway public transportation
18 systems.

19 (d) Shall audit rail fixed guideway public transportation systems for compliance with the public
20 transportation agency safety plan.

21 (e) May investigate any hazard or risk that threatens the safety of a rail fixed guideway public
22 transportation system.

23 (f) May investigate any event involving a rail fixed guideway public transportation system.

24 (g) May investigate any allegation of noncompliance with a transit agency safety plan.

25 (3) The department shall implement the state safety oversight program for rail fixed guideway
26 public transportation systems that are not subject to regulation by the Federal Railroad Adminis-
27 tration and that are not subject to 49 U.S.C. 5329.

28 (4) Unless prohibited by federal law, the department shall set an annual fee for owners and op-
29 erators of rail fixed guideway public transportation systems to defray the costs of the state safety
30 oversight program and the costs associated with department responsibilities under ORS 267.230 (2).
31 The department shall establish by rule the manner and timing of the collection of the fee.

32 (5) Fees collected by the department that are in excess of the combined actual cost of the state
33 safety oversight program and the costs associated with department responsibilities under ORS
34 267.230 (2) shall be refunded to owners and operators of rail fixed guideway public transportation
35 systems within one year following the end of the fiscal year in which the department collected the
36 excess fees. In lieu of a refund, an owner or operator of a rail fixed guideway public transportation
37 system may choose to have the excess fees credited against the subsequent year's fee payment.

38 **SECTION 33.** ORS 824.050 is amended to read:

39 824.050. (1) Except as provided in subsection (2) of this section, the [*Department of Transporta-*
40 *tion*] **Oregon Rail and Transit Department** shall examine and inspect the physical condition of all
41 railroad facilities in the state, including roadbeds, stations and equipment. Whenever it appears from
42 such inspection that the safety of the public or the employees of such railroad may be threatened,
43 notice of the condition or practice under investigation shall be given to the railroad and any person
44 responsible for the maintenance or use of the railroad facility. If such condition or practice is not
45 corrected to the department's satisfaction, the department shall set the matter for hearing. Fol-

1 lowing such hearing the department shall order the railroad or person responsible for the mainte-
 2 nance or use of the railroad facility to make any repairs, alterations, or changes necessary to
 3 correct or eliminate any condition or practice found to threaten the safety of the public or the em-
 4 ployees of the railroad. If in the opinion of the department [*of Transportation*] a condition or practice
 5 is so hazardous as to place the employees of the railroad in immediate danger the department may
 6 issue, after hearing, upon 48 hours' written notice given the railroad, an order prohibiting the use
 7 of the facility until such time as necessary repair, alterations or changes are made.

8 (2) This section does not apply to a penalty imposed under ORS 824.090 or 824.992 (7) and (8).

9 **SECTION 34.** ORS 824.052 is amended to read:

10 824.052. The [*Department of Transportation*] **Oregon Rail and Transit Department**, upon the
 11 **department's** own motion or upon application of any person, and with or without hearing:

12 (1) May enter an order prescribing standard track clearances for railroads.

13 (2) Upon finding good cause, may enter an order granting authority for a railroad to operate
 14 at particular points with clearances different from those prescribed as standard track clearances.

15 **SECTION 35.** ORS 824.054 is amended to read:

16 824.054. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** may co-
 17 operate with, make certifications to, and enter agreements with the Secretary of Transportation of
 18 the United States, or any other federal agency with jurisdiction over railroads, under the Federal
 19 Railroad Safety Act of 1970, as amended through the effective date of that Act.

20 (2) The [*Department of Transportation*] **Oregon Rail and Transit Department** may assume re-
 21 sponsibility for and carry out on behalf of the Secretary of Transportation of the United States, or
 22 any other federal agency with jurisdiction over railroads, regulatory jurisdiction over the safety
 23 practices applicable to railroad facilities and operations in Oregon not otherwise subject to the ju-
 24 risdiction of any other agency of this state.

25 (3) Notwithstanding any other provisions of law to the contrary, the [*Department of Transpor-*
 26 *tation*] **Oregon Rail and Transit Department** shall make public such reports as are required to be
 27 made public under the Federal Railroad Safety Act of 1970, as amended through the effective date
 28 of that Act and shall provide such information as is required thereunder to the Secretary of Trans-
 29 portation of the United States.

30 **SECTION 36.** ORS 824.056 is amended to read:

31 824.056. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department**, upon the
 32 department's motion or upon application of any person, shall adopt rules that prescribe standards
 33 for walkways alongside railroad tracks where necessary for the safety of railroad employees.

34 (2) The department may for good cause shown permit variances from the standards so pre-
 35 scribed.

36 **SECTION 37.** ORS 824.058 is amended to read:

37 824.058. The [*Department of Transportation*] **Oregon Rail and Transit Department** may:

38 (1) Identify segments of railroad track in this state that:

39 (a) Are abandoned, threatened with abandonment or have physical characteristics that reduce
 40 freight service; and

41 (b) Have the potential for providing renewed, continued or improved rail service that would
 42 benefit the state or community beyond the cost involved.

43 (2) Develop and implement programs to encourage improvement of service over segments of
 44 railroad track identified under subsection (1) of this section.

45 (3) With the prior approval of the [*Oregon Transportation Commission*] **State Rail and Transit**

1 **Board**, enter into agreements with the United States Government, a political subdivision in this
2 state or any person to:

3 (a) Continue existing rail service on a segment of railroad track identified under subsection (1)
4 of this section;

5 (b) Acquire a segment of railroad track identified under subsection (1) of this section to maintain
6 existing or provide for future rail service;

7 (c) Rehabilitate or improve, to the extent necessary to permit more adequate and efficient rail
8 service, railroad property on a segment of railroad track identified under subsection (1) of this sec-
9 tion; or

10 (d) Provide funding for less expensive alternatives to rail service over a segment of railroad
11 track identified under subsection (1) of this section.

12 (4) Do any act required of this state under rules adopted by the United States Secretary of
13 Transportation under section 1654, title 49, United States Code, for allocation and distribution of
14 funds to any state under section 1654, title 49, United States Code, for preserving or improving rail
15 freight service in this state.

16 **SECTION 38.** ORS 824.060 is amended to read:

17 824.060. (1) Every locomotive of every railroad operating in this state shall be equipped with a
18 first aid kit.

19 (2) All locomotives shall be equipped with fire extinguishers meeting the following requirements:

20 (a) Each locomotive shall have at least one portable fire extinguisher.

21 (b) Fire extinguishers may be of a foam, dry chemical or carbon dioxide type.

22 (c) The fire extinguishers in each locomotive shall provide a minimum capacity of one and one-
23 quarter gallons or five pounds. More than one fire extinguisher may be used to comply with the
24 minimum capacity requirement under this paragraph.

25 (d) Fire extinguishers shall be placed in readily accessible locations.

26 (e) Fire extinguishers shall be maintained in working order.

27 (3) A railroad may apply for a temporary exemption from the provisions of subsection (2) of this
28 section. The [*Department of Transportation*] **Oregon Rail and Transit Department** will consider the
29 application of the railroad for a temporary exemption when accompanied by a full statement of the
30 conditions existing and the reasons for the exemption. Any exemption so granted will be limited to
31 a stated period of time.

32 **SECTION 39.** ORS 824.068 is amended to read:

33 824.068. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall
34 prescribe standards for water quality on railroad locomotives in this state.

35 (2) The department may for good cause shown permit variances from the standards so pre-
36 scribed.

37 **SECTION 40.** ORS 824.080 is amended to read:

38 824.080. As used in ORS 824.082 to 824.090, "hazardous materials" means those substances des-
39 ignated by the [*Department of Transportation*] **Oregon Rail and Transit Department** pursuant to
40 ORS 824.086 (1).

41 **SECTION 41.** ORS 824.082 is amended to read:

42 824.082. (1) Before transporting hazardous materials into this state or from a railroad terminal
43 located within this state, a railroad shall, as soon as reasonably possible after it has notice of such
44 train movement, provide such notification thereof as the [*Department of Transportation*] **Oregon Rail
45 and Transit Department** determines pursuant to ORS 824.086. If the information necessary for the

1 notification is not available before beginning the train movement, or if hazardous materials are
 2 added to the train while en route, notification shall be given as soon as the information is available.
 3 For the purposes of this subsection, “train movement” does not include a switching or transfer
 4 movement.

5 (2) Except to the extent that the [*Department of Transportation*] **Oregon Rail and Transit De-**
 6 **partment** determines is necessary to provide for the safe transportation of the hazardous materials,
 7 the department, an employee of the department and any person receiving information pursuant to
 8 this section shall not divulge or make known the information contained in the notification at any
 9 time before or during the transportation of the hazardous materials for which the notification is
 10 provided.

11 **SECTION 42.** ORS 824.086 is amended to read:

12 824.086. After consultation with the State Fire Marshal, the [*Department of Transportation*]
 13 **Oregon Rail and Transit Department** shall determine:

14 (1) What material and quantity thereof the transportation of which is hazardous to public health,
 15 safety or welfare and shall designate by rule such materials and quantities as hazardous materials.
 16 In defining hazardous materials the department shall adopt definitions in conformity with the federal
 17 rules and regulations. Rules adopted under this subsection shall be applicable to any person who
 18 transports, or causes to be transported, any hazardous material.

19 (2) What notification required by ORS 824.082 (1) is necessary to provide for the safe transpor-
 20 tation of hazardous materials, including but not limited to the time, content and manner of notifi-
 21 cation.

22 **SECTION 43.** ORS 824.090 is amended to read:

23 824.090. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall
 24 adopt rules setting standards for the safe transportation of hazardous wastes, as defined in ORS
 25 466.005, by all transporters.

26 (2) The authority granted under this section:

27 (a) Is in addition to any other authority granted the department.

28 (b) Does not supersede the authority of the Energy Facility Siting Council to regulate the
 29 transportation of radioactive materials under ORS 469.550, 469.563, 469.603 to 469.619 and 469.992.

30 (3) In addition to any other penalty for violation of a rule adopted under this section, the de-
 31 partment, in the manner provided in ORS 183.745, may impose a civil penalty of not more than
 32 \$10,000 for violation of a rule adopted under this section. Each day of noncompliance with a rule is
 33 a separate violation.

34 (4) As used in this section, “transporter” has the meaning given that term in ORS 466.005.

35 **SECTION 44.** ORS 824.092 is amended to read:

36 824.092. Records, reports and information obtained or used by the [*Department of*
 37 *Transportation*] **Oregon Rail and Transit Department** in administering the hazardous waste pro-
 38 gram under ORS 824.090 shall be available to the United States Environmental Protection Agency
 39 upon request. If the records, reports or information has been submitted to the department under a
 40 claim of confidentiality, the state shall make that claim of confidentiality to the Environmental
 41 Protection Agency for the requested records, reports or information. The federal agency shall treat
 42 the records, reports or information that is subject to the confidentiality claim as confidential in ac-
 43 cordance with applicable federal law.

44 **SECTION 45.** ORS 824.108 is amended to read:

45 824.108. A register for the reporting of failures of required equipment or standards of mainte-

1 nance shall be maintained on all cabooses. The register shall contain sufficient space to record the
2 dates and particulars of each failure. The [*Department of Transportation*] **Oregon Rail and Transit**
3 **Department** shall provide rules for the use of this register, including a requirement that the record
4 of reported failures be maintained not less than 80 days from the date of the most recent failure.

5 **SECTION 46.** ORS 824.110 is amended to read:

6 824.110. The [*Department of Transportation*] **Oregon Rail and Transit Department** shall regu-
7 late and enforce all sections of ORS 824.102 to 824.110 and shall promulgate all rules necessary for
8 the enforcement of ORS 824.102 to 824.110.

9 **SECTION 47.** ORS 824.202 is amended to read:

10 824.202. It is the policy of this state to achieve uniform and coordinated regulation of railroad-
11 highway crossings and to eliminate crossings at grade wherever possible. To these ends, authority
12 to control and regulate the construction, alteration, and protection of railroad-highway crossings is
13 vested exclusively in the state, and in the [*Department of Transportation*] **Oregon Rail and Transit**
14 **Department** as provided in ORS 824.200 to 824.256.

15 **SECTION 48.** ORS 824.204 is amended to read:

16 824.204. (1) Except for the repair of lawfully existing roads and highways or the replacement of
17 tracks, no highway shall be constructed across the track of any railroad company at grade, nor shall
18 the track of any railroad company be constructed across a highway at grade, without having first
19 secured the permission of the [*Department of Transportation*] **Oregon Rail and Transit**
20 **Department**.

21 (2) Whenever any railroad company desires to cross any established and existing highway at
22 grade or any public authority desires to lay out and extend any highway over and across any es-
23 tablished and existing railroad at grade, it shall file with the department its application setting forth
24 the objections and difficulties of making such crossing either above or below the grade of the ex-
25 isting highway or railroad.

26 (3) Upon receipt of the above application the department, after hearing, unless a hearing is not
27 required under ORS 824.214, shall:

28 (a) Determine whether the public safety, public convenience and general welfare require a grade
29 separation; and

30 (b) In the event a grade separation is not required, determine whether the application should
31 be refused or granted, and upon what terms and conditions.

32 (4) If the grade crossing is approved, the department shall determine and prescribe the manner
33 of its construction, maintenance and use, the kind and location of protective devices to be installed,
34 the allocation of costs and the place of the crossing.

35 **SECTION 49.** ORS 824.206 is amended to read:

36 824.206. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** may,
37 upon its own motion or upon application by a railroad or the public authority in interest, subsequent
38 to a hearing, unless a hearing is not required under ORS 824.214, and upon finding that such action
39 is required by the public safety, necessity, convenience and general welfare:

40 (a) Eliminate a grade crossing by relocation of the highway;

41 (b) Alter or abolish any grade crossing or change the location thereof, or require a separation
42 of grades at any such crossing;

43 (c) Alter or change any existing crossing at separated grades; and

44 (d) Require installation or alteration of protective devices.

45 (2) The department shall prescribe the time and manner of such alteration, change, installation

1 or alteration, and the terms and conditions thereof.

2 **SECTION 50.** ORS 824.208 is amended to read:

3 824.208. (1) The power to fix and regulate the speed of railway trains and to regulate the
4 sounding of railway train warning devices at public railroad-highway crossings is vested exclusively
5 in the state.

6 (2) Upon petition of any public authority in interest or of any railroad or upon the [*Department*
7 *of Transportation's*] **Oregon Rail and Transit Department's** own motion, the department [*of*
8 *Transportation*] shall, after due investigation and hearing, unless a hearing is not required under
9 ORS 824.214 enter an order fixing and regulating the speed of railway trains or regulating the
10 sounding of railway train warning devices.

11 (3) The speed limits fixed by the department shall be maximum speed limits and shall be
12 commensurate with the hazards presented and the practical operation of the trains.

13 **SECTION 51.** ORS 824.210 is amended to read:

14 824.210. [*No highway shall*] **A highway may not** be constructed across the track of any railroad
15 company above or below grade, nor shall the track of any railroad company be constructed across
16 a highway above or below grade, without having first secured the permission of the [*Department of*
17 *Transportation*] **Oregon Rail and Transit Department**. If permission is granted, the department
18 shall, after a hearing, unless hearing is not required under ORS 824.214, prescribe the terms and
19 conditions upon which such crossing shall be made and shall allocate the cost of construction and
20 maintenance.

21 **SECTION 52.** ORS 824.212 is amended to read:

22 824.212. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall
23 adopt regulations prescribing specifications for the construction and maintenance of railroad-
24 highway crossings, both at grade level and at separated grades. The specifications shall be devel-
25 oped in consultation with representatives of cities and counties and shall conform to nationally
26 recognized and commonly used standards to ensure that the crossings are constructed and main-
27 tained in a manner that conforms to the public safety, necessity, convenience and general welfare,
28 including but not limited to the projected transportation needs.

29 (2) Specifications for separate crossings adopted under subsection (1) of this section do not apply
30 to crossings in existence on the effective date of the regulation prescribing the specifications.
31 However, within a reasonable period after the effective date, crossings shall be altered or recon-
32 structed to comply with the regulations in effect at the time of the alteration or reconstruction.

33 (3) Priorities for such alterations or reconstruction shall be established by the [*Department of*
34 *Transportation*] **Oregon Rail and Transit Department**, based upon the expressed need of the public
35 authority in interest, and upon such other factors as danger or inconvenience to motorists, age of
36 the structure, frequency of reported accidents and degree of noncompliance with regulations.

37 (4) If the public authority in interest or the railroad company fails to so alter or reconstruct a
38 crossing, the department, after following the procedures specified in ORS chapter 183 for contested
39 cases, may order the alteration or reconstruction and proceed in accordance with ORS 824.216.

40 **SECTION 53.** ORS 824.214 is amended to read:

41 824.214. (1) Proceedings to carry out ORS 824.204, 824.206, 824.210 to 824.218, 824.224, 824.226
42 to 824.230, 824.238, 824.240 and 824.256, including the right to review any order of the [*Department*
43 *of Transportation*] **Oregon Rail and Transit Department**, shall be those specified in ORS chapter
44 183 for contested cases. If the final order of the department, in a proceeding initiated under ORS
45 824.206 or 824.226 by a city or county, is appealed and the city or county prevails, it shall be enti-

1 tled to costs and reasonable attorney fees.

2 (2) The department may adopt rules to govern the procedure, and to regulate the mode and
3 manner of all investigations under ORS 824.204, 824.206, 824.210 to 824.218, 824.224, 824.226 to
4 824.230, 824.238, 824.240 and 824.256.

5 (3) The authority granted the department by ORS 824.200 to 824.256 is in addition to and not in
6 lieu of the authority of any city, county or other political subdivision of the state to use other
7 remedies and procedures to provide public highways for the traveling public.

8 **SECTION 54.** ORS 824.216 is amended to read:

9 824.216. (1) The railroad company, public authority or person to whom an order of the [*Depart-*
10 *ment of Transportation*] **Oregon Rail and Transit Department** is directed under ORS 824.200 to
11 824.256 shall comply with such order within such reasonable time as may be prescribed by the de-
12 partment. In case of failure to comply, the department shall thereupon take proceedings to compel
13 obedience to such order.

14 (2) The circuit court has power in case of all such orders by the department to compel obedience
15 therewith by mandamus, brought in the name of the state, subject, however, to appeal to the Court
16 of Appeals in the same manner and with like effect as provided in cases of appeal from the order
17 of the circuit court.

18 **SECTION 55.** ORS 824.218 is amended to read:

19 824.218. All work and the material for work done under ORS 824.200, 824.204, 824.206, 824.210
20 to 824.218, 824.226 to 824.230, 824.238, 824.240 and 824.256 within the limits of railroad rights of way
21 shall, if the railroad company so desires, be furnished and done by the railroad company. However,
22 the [*Department of Transportation*] **Oregon Rail and Transit Department** shall have supervision
23 of the work and may decide the kind of material to be used.

24 **SECTION 56.** ORS 824.220 is amended to read:

25 824.220. The [*Department of Transportation*] **Oregon Rail and Transit Department** shall adopt
26 rules prescribing specifications for the design and location of protective devices.

27 **SECTION 57.** ORS 824.222 is amended to read:

28 824.222. (1) The power to fix and regulate the length of time a public railroad-highway grade
29 crossing may be blocked by railroad equipment is vested exclusively in the state.

30 (2)(a) Upon petition of the public authority in interest, or of any railroad or upon the [*Depart-*
31 *ment of Transportation's*] **Oregon Rail and Transit Department's** own motion, the department
32 shall, after due investigation and hearing, unless hearing is not required under ORS 824.214, enter
33 an order fixing and regulating the length of time a public railroad-highway grade crossing may be
34 blocked by railroad equipment.

35 (b) Upon petition of a person, the department shall investigate and may hold a hearing and,
36 following a hearing, may enter an order fixing and regulating the length of time a public railroad-
37 highway grade crossing may be blocked by railroad equipment.

38 (3) The time limits fixed by the department shall be maximum time limits and shall be
39 commensurate with reasonable requirements of train and vehicular traffic operations.

40 (4) Violation of a time limit fixed by the department under this section is punishable by a civil
41 penalty of not less than \$100 nor more than \$3,000 for each offense.

42 **SECTION 58.** ORS 824.223 is amended to read:

43 824.223. (1) The power to regulate the distance from a public railroad-highway grade crossing
44 at which a railroad may stop or park equipment is vested exclusively in the state.

45 (2)(a) Upon petition of the public authority in interest, or of any railroad or upon the [*Depart-*

1 *ment of Transportation's*] **Oregon Rail and Transit Department's** own motion, the department
 2 shall, after due investigation and hearing, unless hearing is not required under ORS 824.214, enter
 3 an order establishing a safe distance from a public railroad-highway grade crossing at which a
 4 railroad may stop or park equipment.

5 (b) Upon petition of a person, the department shall investigate and may hold a hearing and,
 6 following a hearing, may enter an order establishing a safe distance from a public railroad-highway
 7 grade crossing at which a railroad may stop or park equipment.

8 (3) In determining what constitutes a safe distance under subsection (2) of this section, the de-
 9 partment shall consider issues including, but not limited to, hazards associated with public
 10 railroad-highway grade crossings that do not have active protective devices.

11 (4) Violation of an order issued under subsection (2) of this section is punishable by a civil
 12 penalty of not less than \$100 nor more than \$3,000 for each offense.

13 **SECTION 59.** ORS 824.224 is amended to read:

14 824.224. (1) At every farm or private grade crossing of a railroad where no automatic grade
 15 crossing protective device is installed, the railroad shall cause to be installed and maintained, as a
 16 means of protecting the crossing, one or more stop signs.

17 (2) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall, after
 18 hearing, unless hearing is not required under ORS 824.214, prescribe the number, type and location
 19 of the stop signs and may exempt a farm or private grade crossing if the department finds that the
 20 installation of such sign or signs at the crossing would create a hazard or dangerous condition that
 21 would not otherwise exist.

22 (3) After notice to any affected landowner and opportunity for a hearing, unless a hearing is not
 23 required under ORS 824.214, the department [*of Transportation*] may alter, relocate or close any farm
 24 or private grade crossing on any line designated as a high speed rail system.

25 (4) If the department decides to alter, relocate or close a farm or private grade crossing in such
 26 a manner as to constitute a taking of private property, the department shall exercise its power of
 27 eminent domain to acquire such property as is necessary to carry out the decision. A department
 28 order under this subsection shall constitute a resolution of necessity for exercise of the department's
 29 power of eminent domain.

30 (5) If the department exercises its power of eminent domain under subsection (4) of this section,
 31 the department shall use any combination of state or federal funds allocated for high speed rail
 32 systems to pay any settlement with or judgment in favor of an owner of a farm or private grade
 33 crossing. The department shall have discretion to determine whether to reach a settlement with an
 34 owner of a farm or private grade crossing.

35 (6) The costs of implementing a department order issued under subsection (3) of this section
 36 shall be apportioned to any combination of state or federal funds specifically allocated for high
 37 speed rail systems as the department determines appropriate in order to eliminate farm or private
 38 grade crossings or to enhance safety at such crossings.

39 **SECTION 60.** ORS 824.226 is amended to read:

40 824.226. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** on its
 41 own motion may, or upon application by the common council or mayor of any city, or any county
 42 judge or county commissioner or county roadmaster, or by five or more residents and taxpayers in
 43 any city, county or road district to the effect that a public highway and a railroad cross one another
 44 in such city, county or road district at the same level, and that such grade crossing is unsafe and
 45 dangerous to travelers over such highway or railroad, shall, give notice to the railroad company,

1 of the filing of such application, and furnish a copy of the same to the railroad company, and order
2 a hearing thereon in the manner provided for contested case hearings under ORS chapter 183.

3 (2) If upon such hearing it appears to the satisfaction of the department that the crossing com-
4 plained of is unsafe and dangerous to human life, the department may order the crossing closed or
5 order and direct the railroad or public authority to install and maintain proper protective devices,
6 and establish a date by which such devices are to be installed and placed into operation. The de-
7 partment shall apportion the installation and maintenance costs thereof in accordance with ORS
8 824.242 to 824.246, and, notwithstanding the provisions of ORS chapter 183, shall suspend the effec-
9 tive date of the order until the public authority in interest has consented to the apportionment and
10 has agreed to comply therewith.

11 **SECTION 61.** ORS 824.228 is amended to read:

12 824.228. (1) Whenever it becomes necessary for the track of one railroad to cross the track of
13 another railroad, the [*Department of Transportation*] **Oregon Rail and Transit Department** shall
14 ascertain and define either on the application of a railroad or on its own motion and after notice
15 to the affected railroads, in the manner provided for contested cases in ORS chapter 183, the mode
16 of such crossing that occasions the least probable injury upon the safety, welfare and interests of
17 the public and the rights of the company owning the road that is intended to be crossed.

18 (2) The department shall also determine the compensation to be paid by the railroad so seeking
19 to cross the other, if the railroads are unable to agree thereon, and the points and manner of such
20 connection.

21 (3) If it appears to the department that it is reasonable and practicable to avoid a grade cross-
22 ing, the department shall by order prevent the same, and shall prescribe the manner of such cross-
23 ing.

24 (4) If any railroad seeks to cross at grade with its tracks the tracks of another railroad, the
25 railroad seeking to cross at grade shall be compelled to pay all damages caused by such crossing,
26 and to interlock or protect such crossing by safety devices to be designated by the department, and
27 to pay all costs of appliances, together with the expenses of putting them in and maintaining them.
28 This requirement does not apply to crossings of sidetracks.

29 **SECTION 62.** ORS 824.230 is amended to read:

30 824.230. (1) In any case where the tracks of two or more railroads cross each other at a common
31 grade in this state, the railroads, when ordered by the [*Department of Transportation*] **Oregon Rail**
32 **and Transit Department**, shall protect such crossings by interlocking or other safety devices, un-
33 der regulations to be designated by the department, to prevent trains colliding at such crossings.
34 An order may be issued under this section only after notice to the affected railroads and a pro-
35 ceeding under ORS chapter 183 initiated by the department on its own motion or upon application
36 by one of the railroads.

37 (2) The department in making such order shall designate the manner of such interlocking pro-
38 tection, and shall apportion the cost of installing and maintaining the same between the several
39 railroads, if such railroads are unable to agree upon the same between themselves.

40 **SECTION 63.** ORS 824.232 is amended to read:

41 824.232. Any company, corporation, person or receiver operating any railroad who neglects to
42 comply with any order made by the [*Department of Transportation*] **Oregon Rail and Transit De-**
43 **partment** pursuant to ORS 824.228 or 824.230 shall forfeit and pay to the state a penalty of \$500
44 per week for each week of such neglect.

45 **SECTION 64.** ORS 824.234 is amended to read:

1 824.234. The determinations of the [*Department of Transportation*] **Oregon Rail and Transit**
 2 **Department** under ORS 824.200 to 824.256 as to hazards at crossings shall not be admissible in any
 3 civil action for damages.

4 **SECTION 65.** ORS 824.236 is amended to read:

5 824.236. (1) Except as provided in subsection (2) of this section, the [*Department of Transporta-*
 6 *tion*] **Oregon Rail and Transit Department** may, under [*ORS 823.033*] **section 172 of this 2025**
 7 **Act**, order a railroad to install and maintain protective devices at an unauthorized railroad-highway
 8 crossing and order the public authority in interest to install and maintain stop signs at and other
 9 protective devices in advance of an unauthorized railroad-highway crossing.

10 (2) The department may not order the railroad to install at an unauthorized railroad-highway
 11 crossing devices which are activated immediately in advance of, and during, each train movement
 12 over the crossing unless the department determines that the railroad intentionally created the un-
 13 authorized crossing after June 2, 1995.

14 (3) Except as provided in subsection (4) of this section, in any proceeding under subsections (1)
 15 and (2) of this section, or unless the parties agree otherwise, installation and maintenance costs of
 16 protective devices shall be apportioned to the railroad.

17 (4) The railroad may seek reimbursement or indemnity from third parties.

18 (5) Under [*ORS 823.033*] **section 172 of this 2025 Act**, the department may open an investi-
 19 gation to consider closure of an unauthorized railroad-highway crossing. If the department decides
 20 to open an investigation, it shall post notice of the investigation at the crossing at least 30 days
 21 prior to opening the investigation. If the department is unable to complete an investigation within
 22 two years from the date it was opened, the department shall order the crossing closed within one
 23 year from the expiration of the two-year period allowed for investigation unless closure of the un-
 24 authorized railroad-highway crossing would remove the only access to any land.

25 **SECTION 66.** ORS 824.238 is amended to read:

26 824.238. The following costs shall be divided between the railroad and the public authority in
 27 interest in such proportion as the [*Department of Transportation*] **Oregon Rail and Transit De-**
 28 **partment** finds just and equitable under the circumstances in each case:

29 (1) That portion of the cost of any alteration or change resulting in the elimination of a grade
 30 crossing under ORS 824.206 (1) by reason of relocation of the highway which is directly chargeable
 31 to the grade elimination.

32 (2) The costs of construction, change, alteration, abolition and relocation of any grade crossing
 33 involved in a proceeding arising under ORS 824.204, 824.206 or 824.226.

34 (3) The costs of maintenance of crossings above or below grade under ORS 824.206 and 824.210.

35 (4) Any cost otherwise apportionable under the terms of ORS 824.242 to 824.246 or 824.248 (1)
 36 to the extent that funds are not available from the Grade Crossing Protection Account.

37 **SECTION 67.** ORS 824.240 is amended to read:

38 824.240. (1) As to all crossings above or below grade constructed on state highways, the pro-
 39 portion of expense to be borne by public authority in interest shall be paid from the state highway
 40 funds.

41 (2) Any public authority in interest acting through its governing body may, at its option, by
 42 agreement with the [*Department of Transportation*] **Oregon Rail and Transit Department**, bear a
 43 share of the expense of constructing any railroad crossing above or below grade on a state highway.

44 (3) If federal funds allocated specifically for removal of hazards at hazardous railroad-highway
 45 crossings are available for any part of the work to be performed, the [*Department of*

1 *Transportation*] **Oregon Rail and Transit Department** shall cause such funds to be used for such
2 purposes.

3 **SECTION 68.** ORS 824.242 is amended to read:

4 824.242. In any grade crossing proceeding arising under ORS 824.204, 824.206 or 824.226, unless
5 the parties agree otherwise, installation costs of protective devices shall be apportioned as follows:

6 (1) At an existing crossing, a crossing relocated pursuant to ORS 824.206 or 824.226, or a
7 crossing previously closed by order of the [*Department of Transportation*] **Oregon Rail and Transit**
8 **Department** and reopened in a proceeding under ORS 824.204:

9 (a) For devices to be installed at or in advance of the crossing and which are activated imme-
10 diately in advance of, and during, each train movement over the crossing:

11 (A) Seventy-five percent to the Grade Crossing Protection Account;

12 (B) Five percent to the public authority in interest; and

13 (C) Twenty percent to the railroad company.

14 (b) For devices which are primarily designed for the purpose of illuminating the crossing or its
15 approaches during hours of darkness:

16 (A) Not less than 90 percent to the Grade Crossing Protection Account;

17 (B) Not more than five percent to the public authority in interest; and

18 (C) Not more than five percent to the railroad company for such devices to be installed at the
19 crossing.

20 (c) For all other protective devices:

21 (A) Seventy-five percent to the Grade Crossing Protection Account; and

22 (B) Twenty-five percent to the public authority in interest for such devices to be installed by it
23 at or in advance of the crossing; or

24 (C) Twenty-five percent to the railroad company for such devices to be installed by it at the
25 crossing.

26 (2) Except as provided in subsection (4) of this section, at a new crossing requested by a public
27 authority, 100 percent of the installation costs shall be paid by the public authority in interest.

28 (3) Except as provided in subsection (4) of this section, at a new crossing requested by a railroad
29 company, 100 percent of the installation costs shall be paid by the railroad company.

30 (4) If the [*Department of Transportation*] **Oregon Rail and Transit Department** converts an
31 unauthorized railroad-highway crossing to a crossing authorized under ORS 824.204, the department
32 shall apportion installation costs of protective devices as provided in subsection (1) of this section,
33 or, if federal funds are available, installation costs may be apportioned as provided in ORS 824.250.

34 **SECTION 69.** ORS 824.246 is amended to read:

35 824.246. If in any grade crossing proceeding arising under ORS 824.204, 824.206 or 824.226, the
36 [*Department of Transportation*] **Oregon Rail and Transit Department** requires the closure of any
37 existing crossing within the jurisdiction of the public authority in interest, the department may ap-
38 portion to the railroad company, for such crossing closed, an amount not to exceed five percent of
39 the cost of installation of protective devices at any new or other existing crossing within the juris-
40 diction of the public authority in interest. Any additional costs paid by the railroad company shall
41 reduce the share otherwise apportionable to the public authority in interest.

42 **SECTION 70.** ORS 824.250 is amended to read:

43 824.250. In the event any protective device is to be installed or altered at an existing or relo-
44 cated crossing or any reconstruction or alteration is made at an existing separation structure, with
45 the aid of any federal funds administered by the Federal Highway Administration of the United

1 States Department of Transportation, the [*Oregon Department of Transportation*] **Oregon Rail and**
 2 **Transit Department** shall, unless the parties agree otherwise:

3 (1) Apportion the amount of such federal funds to payment of installation, reconstruction, or
 4 alteration costs; and

5 (2) Apportion the remaining costs of installation, reconstruction, alteration, and maintenance as
 6 provided by ORS 824.238 and 824.242 to 824.248; however, in a case where the federal fund assist-
 7 ance equals or exceeds 75 percent of the cost of installing, altering and reconstructing protective
 8 devices at an existing or relocated crossing, the remaining costs, except for maintenance costs, may
 9 be allocated entirely to the Grade Crossing Protection Account.

10 **SECTION 71.** ORS 824.252 is amended to read:

11 824.252. (1) In any proceeding under ORS 824.206 or 824.226, where the application to the [*De-*
 12 *partment of Transportation*] **Oregon Rail and Transit Department** states that the parties are not
 13 in agreement as to apportionment of costs, but the applicant is willing to advance the amount of
 14 money reasonably necessary to enable the respondent to complete the work which must be done by
 15 it or the amount reasonably necessary is available and can be advanced from the Grade Crossing
 16 Protection Account, the department shall set the application for hearing as soon as the calendar of
 17 the department permits on the questions of:

18 (a) The necessity for the project;

19 (b) The approval of the location and the engineering plans, including provisions for handling
 20 traffic during construction and the work to be performed by each party; and

21 (c) The sum to be advanced by the applicant or the account for the work to be done by the re-
 22 spondent.

23 (2) The department [*of Transportation*] shall render as promptly as possible an interim order,
 24 effective within 20 days on such questions, reserving for later hearing and decision the question of
 25 the apportionment of costs. The interim order shall also direct the respondent to proceed upon re-
 26 ceipt of the sum to be advanced by the applicant or the account without delay to perform the work
 27 to be done by respondent, integrating the work with that of the applicant or its contractor in such
 28 manner that neither will unreasonably obstruct or delay the work of the other, to the end that the
 29 people of the state may have the use of the project at the earliest possible date.

30 (3) In the final order apportioning costs, the sum advanced by the applicant or the account shall
 31 be credited against its share of the costs. In the final order there shall also be credited against
 32 applicant's share of the costs any increase in the costs found by the department [*of Transportation*]
 33 to be directly attributable to respondent's willful failure or refusal, after the effective date of the
 34 interim order, to proceed with its own work or to integrate the work with that of applicant or its
 35 contractor.

36 **SECTION 72.** ORS 824.254 is amended to read:

37 824.254. (1) Upon issuance of an order apportioning costs to the Grade Crossing Protection Ac-
 38 count, the railroad company or the public authority in interest may submit to the [*Department of*
 39 *Transportation*] **Oregon Rail and Transit Department** progress claims, not to exceed 80 percent
 40 of the apportionment, for reimbursement for the cost of labor, and other services provided to date
 41 of billing, and for the costs of materials stockpiled at the project site or specifically purchased and
 42 delivered for use on the project. Upon completion of the construction, reconstruction or alteration
 43 of a crossing, or of the installation or alteration of grade crossing warning or safety devices at a
 44 crossing, the railroad company or the public authority in interest shall present to the department
 45 for approval its claim for reimbursement for the costs thereof in the amount apportioned to the

1 Grade Crossing Protection Account less progress payments previously made. When a claim is ap-
 2 proved, the department shall, as funds become available, order the claim paid from the account.

3 (2) The department may make such audit as the department considers necessary before or after
 4 each such disbursement for the purpose of determining that the money is expended for the purposes
 5 and under the conditions authorized by ORS 824.242 to 824.248. By presentation of its claim, the
 6 railroad company and the public authority consent to make pertinent records showing costs of labor
 7 and materials available to the department.

8 (3) Notwithstanding subsection (1) of this section, upon issuance of an order apportioning costs
 9 to the Grade Crossing Protection Account, and upon agreement with the department [*of Transporta-*
 10 *tion*], the railroad company or public authority in interest shall submit an estimate of the costs
 11 of the project. The railroad company or public authority in interest may submit statements for
 12 lump-sum reimbursement from the account during and at the completion of the construction, recon-
 13 struction or alteration of a crossing, or of the installation or alteration of a grade crossing warning
 14 or safety device at a crossing.

15 **SECTION 73.** ORS 824.400 is amended to read:

16 824.400. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall
 17 develop and implement a passenger rail plan for the purposes of increasing ridership on passenger
 18 trains and increasing ticket revenue. The passenger rail plan must include, but is not limited to, the
 19 following:

20 (a) A marketing strategy.

21 (b) Strategies for boosting ridership.

22 (c) Strategies for boosting tourism through the use of passenger rail.

23 **(d) Strategies for boosting capacity.**

24 **(e) Strategies for upgrading and improving railroad track and related infrastructure.**

25 **(f) Information about federal rail infrastructure grant applications submitted, denied and**
 26 **approved, provided in summary form.**

27 (2) The department may coordinate with other state agencies to develop the plan.

28 **(3) Not later than December 31 of each even-numbered year, the department shall provide**
 29 **a status report, in the manner provided in ORS 192.245, to the Joint Committee on Trans-**
 30 **portation on developing the passenger rail plan, actions taken to implement the plan and any**
 31 **needed legislative changes.**

32 **(4) The department shall submit a quarterly report on the performance of passenger rail**
 33 **to the Joint Committee on Transportation in the manner provided in ORS 192.245. The report**
 34 **must include a summary of the number of passengers utilizing passenger rail and on-time**
 35 **performance for the previous quarter.**

36 **SECTION 74.** ORS 824.420 is amended to read:

37 824.420. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** may en-
 38 ter into agreements with the Washington State Department of Transportation and the British
 39 Columbia Ministry of Transportation and [*Infrastructure*] **Transit** to:

40 (a) Develop a plan to document the shared vision, goals and objectives for passenger rail service
 41 within the Cascades Rail Corridor.

42 (b) Develop a plan to achieve performance goals, manage fleet assets, share costs, prioritize in-
 43 vestments and resolve interagency disputes.

44 (c) Propose funding options to the respective legislative bodies to support the operation of pas-
 45 senger trains within the corridor.

1 (d) Develop a stakeholder outreach program.

2 (e) Oversee operations and marketing of daily passenger rail service in the corridor.

3 (2) The *[Department of Transportation]* **Oregon Rail and Transit Department** may enter into
4 agreements with the Washington State Department of Transportation to coordinate state rail plans.

5 **SECTION 75.** ORS 824.430 is amended to read:

6 824.430. Before January 1 of each odd-numbered year, the *[Department of Transportation]*
7 **Oregon Rail and Transit Department** shall report to the Legislative Assembly in the manner
8 provided in ORS 192.245 about the following:

9 (1) The status of agreements with the Washington State Department of Transportation and the
10 British Columbia Ministry of Transportation and *[Infrastructure]* **Transit** regarding the Cascades
11 Rail Corridor.

12 (2) The performance of passenger rail service within the corridor.

13 (3) The financial status of the corridor and financial needs for passenger rail service within the
14 corridor.

15 **SECTION 76.** ORS 824.990 is amended to read:

16 824.990. (1) In addition to all other penalties provided by law:

17 (a) Every person who violates or who procures, aids or abets in the violation of ORS 824.060 (1),
18 824.084, 824.088, 824.304 (1) or 824.306 (1) or any order, rule or decision of the *[Department of*
19 *Transportation]* **Oregon Rail and Transit Department** shall incur a civil penalty of not more than
20 \$1,000 for every such violation.

21 (b) Every person who violates or who procures, aids or abets in the violation of any order, rule
22 or decision of the department promulgated pursuant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082
23 (1) or 824.208 shall incur a civil penalty of not more than \$1,000 for every such violation.

24 (2) Each such violation shall be a separate offense and in case of a continuing violation every
25 day's continuance is a separate violation. Every act of commission or omission that procures, aids
26 or abets in the violation is a violation under subsection (1) of this section and subject to the penalty
27 provided in subsection (1) of this section.

28 (3) Civil penalties imposed under subsection (1) of this section shall be imposed in the manner
29 provided in ORS 183.745.

30 (4) The department may reduce any penalty provided for in subsection (1) of this section on such
31 terms as the department considers proper if:

32 (a) The defendant admits the violations alleged in the notice and makes timely request for re-
33 duction of the penalty; or

34 (b) The defendant submits to the department a written request for reduction of the penalty
35 within 15 days from the date the penalty order is served.

36 **SECTION 77.** ORS 824.992 is amended to read:

37 824.992. (1) Violation of ORS 824.062 is a Class D violation.

38 (2) Violation of ORS 824.064 is a Class A misdemeanor.

39 (3) Violation of ORS 824.082 (1), 824.084 or 824.088 by a railroad is a Class A violation.

40 (4) Violation of ORS 824.082 (2) is a Class A violation.

41 (5) As used in subsection (3) of this section, "railroad" means a railroad as defined by ORS
42 824.020 and 824.022.

43 (6) Subject to ORS 153.022, violation of ORS 824.060 (2), 824.106 or 824.108 or any rule
44 promulgated pursuant thereto is a Class A violation.

45 (7) A person is subject to the penalties under subsection (8) of this section if the person know-

1 ingly:

2 (a) Transports by railroad any hazardous waste listed under ORS 466.005 or rules adopted
 3 thereunder to a facility that does not have appropriate authority to receive the waste under ORS
 4 466.005 to 466.385 and 466.992.

5 (b) Disposes of any hazardous waste listed under ORS 466.005 or rules adopted thereunder
 6 without appropriate authority under ORS 466.005 to 466.385 and 466.992.

7 (c) Materially violates any terms of permit or authority issued to the person under ORS 466.005
 8 to 466.385 and 466.992 in the transporting or disposing of hazardous waste.

9 (d) Makes any false material statement or representation in any application, label, manifest, re-
 10 cord, report, permit or other document filed, maintained or used for purposes of compliance with
 11 requirements under ORS 824.050 to 824.110 for the safe transportation of hazardous wastes.

12 (e) Violates any rules adopted by the Department of Transportation **or the Oregon Rail and**
 13 **Transit Department** concerning the transportation of hazardous wastes.

14 (8) Subject to ORS 153.022, violation of subsection (7) of this section is a Class B misdemeanor.
 15 Each day's violation is a separate offense.

16 (9) Violation of ORS 824.300 or 824.302 is a Class D violation.

17 (10) Violation of ORS 824.304 is a Class A violation.

18 (11) Violation of ORS 824.306 by any railroad company or officer or agent thereof, or any other
 19 person is a Class D violation. Each day's violation is a separate offense.

20
 21 **CONFORMING AMENDMENTS OUTSIDE OF ORS CHAPTER 824**

22
 23 **SECTION 78.** ORS 164.805 is amended to read:

24 164.805. (1) A person commits the crime of offensive littering if the person creates an
 25 objectionable stench or degrades the beauty or appearance of property or detracts from the natural
 26 cleanliness or safety of property by intentionally:

27 (a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land
 28 of another without permission of the owner, or upon any public way or in or upon any public
 29 transportation facility;

30 (b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool,
 31 septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon
 32 the land of another without permission of the owner, or upon any public way; or

33 (c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle
 34 that the person is operating. This subsection does not apply to a person operating a vehicle trans-
 35 porting passengers for hire subject to regulation by the Department of Transportation **or the**
 36 **Oregon Rail and Transit Department** or a person operating a school bus described under ORS
 37 801.460.

38 (2) As used in this section:

39 (a) "Public transportation facility" has the meaning given that term in ORS 164.365.

40 (b) "Public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks
 41 and all recreational facilities operated by the state, a county or a local municipality for use by the
 42 general public.

43 (3) Offensive littering is a Class C misdemeanor.

44 **SECTION 79.** ORS 184.615 is amended to read:

45 184.615. (1) The Department of Transportation is established.

1 (2) The department shall perform the following duties:

2 (a) Carry out policies adopted by the Oregon Transportation Commission and all duties and re-
 3 sponsibilities vested in it by law including, but not necessarily limited to, duties and responsibilities
 4 concerning drivers and motor vehicles, highways, motor carriers[, *public transit, rail*] and transpor-
 5 tation safety.

6 (b) Provide strategic planning for statewide transportation systems to meet the transportation
 7 challenges to be faced by Oregon at least 20 years into the future.

8 (c) Promote coordination between different modes of transportation.

9 (d) Promote coordination of major transportation projects, as determined by the commission,
 10 between the state, cities and counties.

11 (e) Integrate governmental functions to reduce the costs incurred by this state in transportation
 12 matters.

13 (f) Obtain the greatest benefit from state, local and federal transportation expenditures.

14 (g) Maximize the state's prospects to obtain federal funds by responding to federal mandates for
 15 multimodal transportation planning.

16 (h) To the extent practicable, ensure that the state's transportation infrastructure is resilient in
 17 the event of a natural disaster.

18 (3) The department shall be the recipient of all federal funds paid to or to be paid to the state
 19 to enable the state to provide the programs and services assigned to the department, except that:

20 (a) The Oregon Department of Aviation shall be the recipient of all federal funds paid to or to
 21 be paid to the state to enable the state to provide aviation programs and services; **and**

22 (b) **The Oregon Rail and Transit Department shall be the recipient of all federal funds**
 23 **paid to or to be paid to the state to enable the state to provide rail and public transit pro-**
 24 **grams and services.**

25 **SECTION 80.** 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, but not be limited to, aviation, highways, mass transit, ports, rails and
 36 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, **the State Rail and Transit Board**, cities, counties, mass transit districts
 42 organized under ORS 267.010 to 267.394 and transportation districts organized under ORS 267.510
 43 to 267.650, develop plans for each mode of transportation and multimodal plans for the movement
 44 of people and freight. Subject to paragraph (c) of this subsection, the plans must include a list of
 45 projects needed to maintain and develop the transportation infrastructure of this state for at least

1 20 years in the future.

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

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

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

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

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

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

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

21 (C) Anticipated capital construction requirements;

22 (D) Construction priorities; and

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

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

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

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

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

38 **SECTION 81.** ORS 184.632 is amended to read:

39 184.632. (1) The Legislative Assembly finds that:

40 (a) The ports in Oregon provide effective local assistance to state transportation development
 41 efforts.

42 (b) The ports in this state develop and market facilities and services to support important ex-
 43 isting industries in this state, such as aviation, maritime commerce, international trade, tourism,
 44 recreation and transportation.

45 (c) Port facilities, including roads, railroads, airports, harbors and navigation channels, are an

1 integral element of the transportation infrastructure of this state.

2 (2) Therefore, the Legislative Assembly declares that it is the policy of this state to include
3 Oregon's ports in planning and implementing transportation programs. To that end, the Department
4 of Transportation, **the Oregon Rail and Transit Department** and the Oregon Department of Avi-
5 ation may work to:

6 (a) Coordinate with the Oregon Business Development Department to facilitate port planning
7 and development;

8 (b) Promote local cooperation in statewide planning and development of the ports;

9 (c) Promote long-term economic self-sufficiency of the ports;

10 (d) Encourage cost-effective investments with prudent financial consideration of port develop-
11 ment projects; and

12 (e) Facilitate the efforts of the ports to expand and respond to greater domestic and interna-
13 tional market opportunities.

14 **SECTION 82.** ORS 184.642 is amended to read:

15 184.642. (1) The Department of Transportation Operating Fund is established in the State
16 Treasury separate and distinct from the General Fund and separate and distinct from the State
17 Highway Fund. Except as otherwise provided in subsection (3)(e) of this section, moneys in the De-
18 partment of Transportation Operating Fund are continuously appropriated to the Department of
19 Transportation to pay expenses of the department that are incurred in the performance of functions
20 the department is statutorily required or authorized to perform and that may not constitutionally
21 be paid from revenues described in section 3a, Article IX of the Oregon Constitution.

22 (2) The operating fund shall consist of the following:

23 (a) Taxes paid on motor vehicle fuels or on the use of fuel in a motor vehicle for which a person
24 is entitled to a refund under a provision described in this paragraph but for which no refund is
25 claimed, in amounts determined under ORS 184.643. This paragraph applies to refund entitlements
26 described in ORS 319.280 (1)(a) and (e), 319.320 (1)(a) and 319.831 (1)(b).

27 (b) Fees collected under ORS 822.700 for issuance or renewal of:

28 (A) Dismantler certificates;

29 (B) Vehicle dealer certificates;

30 (C) Show licenses;

31 (D) Vehicle transporter certificates;

32 (E) Driver training instructor certificates;

33 (F) Commercial driver training school certificates; and

34 (G) Vehicle appraiser certificates.

35 (c) Late fees collected under ORS 822.700.

36 (d) Fees collected under ORS 822.705.

37 (e) Moneys from civil penalties imposed under ORS 822.009.

38 (f) Fees collected under ORS 807.410 for identification cards.

39 (g) Fees collected by the department for issuance of permits to engage in activities described in
40 ORS 374.302 to 374.334 that are not directly connected to the construction, reconstruction, im-
41 provement, repair, maintenance, operation and use of a public highway, road, street or roadside rest
42 area.

43 (h) Fees collected under ORS 835.017 for services provided to the Oregon Department of Avi-
44 ation.

45 (i) **Fees collected under section 10 of this 2025 Act for services provided to the Oregon**

1 **Rail and Transit Department.**

2 [(i)] (j) Interest and other earnings on moneys in the operating fund.

3 (3) Moneys in the Department of Transportation Operating Fund established by subsections (1)
4 and (2) of this section may be spent only as follows:

5 (a) Taxes described in subsection (2)(a) of this section may be used only for payment of expenses
6 of the Department of Transportation that:

7 (A) May not constitutionally be paid from revenues described in section 3a, Article IX of the
8 Oregon Constitution;

9 (B) Are incurred in the performance of functions the department is statutorily required or au-
10 thORIZED to perform; and

11 (C) Are not payable from moneys described in paragraphs (b) to (e) of this subsection.

12 (b) Fees collected under subsection (2)(b) of this section may be used only to carry out the reg-
13 ulatory functions of the department relating to the businesses that generate the fees.

14 (c) Fees collected under ORS 822.705 may be used only for the purposes described in ORS
15 822.705.

16 (d) Moneys collected from civil penalties imposed under ORS 822.009 may be used only for reg-
17 ulation of vehicle dealers.

18 (e) Moneys collected under ORS 807.410 from fees for identification cards shall be used first to
19 pay the expenses of the department for performing the functions of the department relating to
20 identification cards. After paying the expenses related to identification cards, the department shall
21 transfer the remaining moneys collected under ORS 807.410 to the Statewide Transportation Im-
22 provement Fund established in ORS 184.751.

23 (f) Moneys from the permits described in subsection (2)(g) of this section may be used for costs
24 of issuing the permits and monitoring the activities that generate the fees.

25 (g) Moneys from interest and other earnings on moneys in the operating fund may be used for
26 any purpose for which other moneys in the fund may be used.

27 **SECTION 83.** ORS 184.651 is amended to read:

28 184.651. The Department of Transportation shall develop, operate and maintain a full cost ac-
29 counting system that accurately and separately accounts for all direct, indirect and administrative
30 costs incurred by each of the following units of the department:

31 (1) Central services.

32 (2) Driver and motor vehicle services.

33 (3) Highways.

34 (4) Motor carriers.

35 [(5) *Rail.*]

36 [(6) *Transit.*]

37 [(7)] (5) Transportation development.

38 [(8)] (6) Transportation safety.

39 **SECTION 84.** ORS 184.675 is amended to read:

40 184.675. As used in ORS 184.670 to 184.733, unless the context requires otherwise:

41 [(1) "*Director*" means *Director of Transportation.*]

42 [(2) "*Department*" means *the Department of Transportation.*]

43 [(3)] (1) "Indian tribe" means a federally recognized Indian tribe in Oregon that has members
44 residing on a reservation or tribal trust lands in Oregon.

45 [(4)] (2) "Operating agreement" means an agreement for the operation or maintenance on behalf

1 of the [*Department of Transportation*] **Oregon Rail and Transit Department** of all or part of a
 2 public transportation system, but does not include agreements by which the department provides
 3 only financial or technical assistance or transportation facilities or equipment and which do not
 4 control routes, rates or levels of service, or agreements under which such control is exercised by
 5 the federal government through the department.

6 [(5)] (3) "Public transportation system" means any form of passenger transportation system,
 7 whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi
 8 and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized
 9 areas, and including related passenger terminal facilities and motor vehicle parking facilities.

10 [(6)] (4) "Person" means the United States or any state or any department or agency of any of
 11 the above, or any nonprofit corporation or entity or any other individual, corporation or entity, ei-
 12 ther public or private.

13 [(7)] (5) "Public transportation entity" includes a city, county, transportation district, mass
 14 transit district, metropolitan service district, Indian tribe or private nonprofit corporation operating
 15 a public transportation system.

16 **SECTION 85.** ORS 184.685 is amended to read:

17 184.685. The [*Department of Transportation*] **Oregon Rail and Transit Department** may con-
 18 duct statewide coordinating, financing, planning, research and development of public transportation
 19 systems in this state to insure the most orderly, efficient and economical development of such sys-
 20 tems.

21 **SECTION 86.** ORS 184.689 is amended to read:

22 184.689. In order to carry out the purposes set forth in ORS 184.685, the [*Department of Trans-*
 23 *portation*] **Oregon Rail and Transit Department** may:

24 (1) Sue and be sued;

25 (2) Acquire by purchase, lease, devise, gift or voluntary grant real and personal property or any
 26 interest therein, including access rights, and take, hold, possess and dispose of any such property
 27 or interest;

28 (3) Conduct or carry out, subject to any other provision of law, field research, planning, fi-
 29 nancing, design, construction, acquisition, lease, preservation, or improvement of any public trans-
 30 portation system or any portion thereof, or provide for such activity by entering into agreements
 31 with any person or persons principally responsible for the operations of such public transportation
 32 system and possessing authority to enter into such agreement;

33 (4) Enter into any other necessary agreements; employ agents, engineers, consultants and other
 34 persons as necessary and fix their compensation;

35 (5) Construct, acquire, plan, design, maintain and operate passenger terminal facilities and motor
 36 vehicle parking facilities in connection with any public transportation system;

37 (6) Advise and assist in the formulation of overall public transportation policies and plans;

38 (7) Make necessary studies and render technical assistance to local governments;

39 (8) Participate in regulatory proceedings affecting public transportation;

40 (9) Assist local government, private and nonprofit operators of passenger transportation systems
 41 in the planning, experimentation, financing, design, construction, acquisition, lease, preservation,
 42 improvement, operation and maintenance of public transportation systems. The assistance may in-
 43 clude loans, grants, or the provision of equipment or facilities or any rights therein by sale, lease
 44 or grant, or special grants to the users of said systems;

45 (10) Subject to the provisions of ORS 184.705, enter into operating agreements with any person;

1 (11) Receive and disburse funds from or to any person under contractual terms or according to
 2 other authorized state or federal procedures. When more than one carrier provides similar services
 3 in the same or related areas or corridors pursuant to a certificate of public convenience and ne-
 4 cessity, the department may select a provider of service on the basis of written proposals evaluated
 5 under criteria established by the Oregon Transportation Commission;

6 (12) Perform any necessary planning, administration, review or other functions required to be
 7 performed by the state or any agency thereof in connection with the allocation and distribution to
 8 any person of federal funds pursuant to the Urban Mass Transportation Act of 1964, as amended,
 9 or any other federal funding program for public transportation systems; and

10 (13) Negotiate with existing passenger carriers to preserve or coordinate transportation sched-
 11 ules to upgrade the existing system of intercity transportation.

12 **SECTION 87.** ORS 184.691 is amended to read:

13 184.691. The Public Transit Account is established in the **State Treasury, separate and dis-**
 14 **tinct from the** General Fund [*of the State Treasury*]. Except as otherwise provided by law, all
 15 moneys received by the [*Department of Transportation*] **Oregon Rail and Transit Department** for
 16 public transit purposes, from whatever source, shall be paid into the State Treasury and credited to
 17 the account. All moneys in the account are appropriated continuously to the department and shall
 18 be used for public transit purposes authorized by law.

19 **SECTION 88.** ORS 184.705 is amended to read:

20 184.705. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department**, in a
 21 manner determined by the [*Oregon Transportation Commission*] **State Rail and Transit Board**, may
 22 enter into operating agreements with any person. The agreements may include, but are not limited
 23 to, provisions with respect to:

- 24 (a) Services to be rendered;
- 25 (b) Routes to be served;
- 26 (c) Schedules to be provided;
- 27 (d) Compensation to be paid;
- 28 (e) Equipment to be used;
- 29 (f) Points to be served;
- 30 (g) Terminals to be used;
- 31 (h) Qualifications of operating employees;
- 32 (i) Accounting and reporting procedures; and
- 33 (j) Termination dates.

34 (2) To the extent practicable the department shall enter into operating agreements with carriers
 35 authorized by the department to perform passenger transportation services pursuant to [*ORS 824.020*
 36 *to 824.042 or*] ORS chapter 825.

37 **SECTION 89.** ORS 184.710 is amended to read:

38 184.710. The [*Department of Transportation shall*] **Oregon Rail and Transit Department may**
 39 not enter into operating agreements with any person for service in competition with service being
 40 provided by a mass transit district or transportation district formed under ORS chapter 267 without
 41 the consent of such district.

42 **SECTION 90.** ORS 184.720 is amended to read:

43 184.720. For the purpose of aiding the development of public transportation systems, the [*De-*
 44 *partment of Transportation*] **Oregon Rail and Transit Department** shall establish criteria and
 45 standards for the evaluation of transportation projects considered for assistance under ORS 184.670,

1 184.675 and 184.685 to 184.733.

2 **SECTION 91.** ORS 184.725 is amended to read:

3 184.725. The [*Department of Transportation*] **Oregon Rail and Transit Department** shall adopt
 4 such rules as are necessary to carry out the provisions of ORS 184.670, 184.675 and 184.685 to
 5 184.733.

6 **SECTION 92.** ORS 184.730 is amended to read:

7 184.730. (1) In addition to the provisions of ORS 184.689, the [*Department of Transportation*]
 8 **Oregon Rail and Transit Department** is authorized to institute a public transportation develop-
 9 ment program which may be financed by state, federal, local or other funds and may be operated in
 10 conjunction and cooperation with the federal government, metropolitan planning organizations,
 11 public and private employers, and public transportation entities.

12 (2) The department may apply to the Federal Transit Administration or Federal Highway Ad-
 13 ministration of the United States Department of Transportation or other federal or state government
 14 agency for participation in any public transportation system development project.

15 (3) The department may, with the assistance of the Oregon Department of Administrative Ser-
 16 vices or in cooperation with public transportation entities, or both, write specifications for and or-
 17 der public transportation equipment on behalf of any number of public transportation entities, to
 18 purchase real estate or to purchase, engineer, design, construct or lease public transportation
 19 structures and facilities under this program.

20 (4) If federal funds are being used to finance any project under this program, the **Oregon Rail**
 21 **and Transit** Department shall secure assurance from the federal government of the availability and
 22 amount of federal financial assistance. The department may also secure obligations by the partic-
 23 ipating public transportation entities that they will manage and operate such public transportation
 24 equipment or facilities at the appropriate time and will supply local funding if such is being utilized.

25 (5) Funding for projects under this section and ORS 184.733 may be with whatever percentage
 26 of federal, state or local funds that the [*Oregon Transportation Commission*] **State Rail and Transit**
 27 **Board** deems proper. In the event that the federal percentage is changed by legislation, the state
 28 and local percentage may be changed by action of the [*Oregon Transportation Commission*] **board**.

29 (6) In cooperation with metropolitan planning organizations, public and private employers, and
 30 public transportation entities, the department may develop transportation demand management
 31 projects, air quality improvement projects, demonstration projects, and planning and research
 32 projects. As used in this subsection:

33 (a) Transportation demand management projects are measures to reduce traffic congestion and
 34 travel by single occupant automobiles including but not limited to carpool, vanpool, buspool, park-
 35 and-ride facilities, parking management, high occupancy vehicle lanes, bus bypass lanes, flexible
 36 hours of employment, work trip reduction programs and incentives to use public transportation.

37 (b) Air quality improvement projects are measures to reduce vehicle emissions, including trans-
 38 portation demand management, development of alternative fuels including fueling stations, conver-
 39 sion of existing vehicles or replacement of existing vehicles with vehicles producing lower emissions,
 40 research into vehicles using alternative fuels and purchase of new vehicles by public transportation
 41 entities.

42 (c) Demonstration projects show the merits of products, projects, transportation service designs
 43 or management techniques. Demonstration projects are of a limited duration.

44 **SECTION 93.** ORS 184.733 is amended to read:

45 184.733. (1) There is hereby established an account in the State Treasury, separate and distinct

1 from the General Fund, to be known as the [*Department of Transportation*] **Oregon Rail and Transit**
 2 **Department** Public Transportation Development Fund, which account is appropriated continuously
 3 for, and shall be used for, the purposes of ORS 184.730, developing and improving public transpor-
 4 tation systems, acquiring transportation equipment and constructing facilities or participating with
 5 public transportation entities in the acquisition or construction of equipment or facilities. All in-
 6 terest, if any, shall inure to the benefit of the fund. In order to facilitate financing of the costs of
 7 transportation demand management projects, air quality improvement projects, demonstration
 8 projects, planning and research projects, acquisition or construction, the [*Department of Transpor-*
 9 *tation*] **Oregon Rail and Transit Department** may at any time, with [*Oregon Transportation Com-*
 10 *mission*] **State Rail and Transit Board** approval, draw on funds in this account for authorized
 11 purposes. The [*Director of Transportation*] **department** may enter into written agreements with
 12 public transportation entities that commit the department to pay anticipated funds from the [*De-*
 13 *partment of Transportation*] **Oregon Rail and Transit Department** Public Transportation Develop-
 14 ment Fund to public transportation entities for the purpose of financing the costs of acquisition and
 15 construction of transportation equipment and facilities, including servicing any obligations entered
 16 into by a public transportation entity to finance transportation equipment and facilities, which
 17 written agreements may provide for the remittance of such funds on such periodic basis, in such
 18 amounts, over such period of years and with such priority over other commitments of such funds
 19 as the director shall specify in the agreements. Any such written agreement or commitment when
 20 executed by the director and accepted by a public transportation entity shall be solely conditioned
 21 upon actual funds available in the [*Department of Transportation*] **Oregon Rail and Transit De-**
 22 **partment** Public Transportation Development Fund and shall be valid, binding and irrevocable in
 23 accordance with its terms.

24 (2) The department may utilize moneys in the fund to purchase or lease new or rebuilt buses
 25 and other public transportation equipment, to purchase real estate or to purchase, lease or construct
 26 facilities for future sale to public transportation entities either for cash or by installment contract,
 27 but no installment contract shall be for more than five years and the balance shall bear interest at
 28 a rate indicated by the monthly earnings of the Oregon Short Term Investment Fund.

29 (3) The department may take title to and delivery of buses, other public transportation equip-
 30 ment or facilities acquired or built pursuant to this program for eventual transfer to public trans-
 31 portation entities.

32 (4) The department may from the amount appropriated to the [*Department of Transportation*]
 33 **Oregon Rail and Transit Department** Public Transportation Development Fund deduct its costs
 34 of developing projects and administering the program authorized by this section and ORS 184.730.

35 (5) All moneys received by the department from the sale of buses, other public transportation
 36 equipment, real estate or facilities shall be placed in the [*Department of Transportation*] **Oregon**
 37 **Rail and Transit Department** Public Transportation Development Fund and subject to budgetary
 38 limitations, may be used for the acquisition of additional transportation equipment or facilities.

39 **SECTION 94.** ORS 184.751 is amended to read:

40 184.751. (1) The Statewide Transportation Improvement Fund is established in the State Treas-
 41 ury, separate and distinct from the General Fund. Interest earned by the Statewide Transportation
 42 Improvement Fund shall be credited to the fund. Moneys in the fund are continuously appropriated
 43 to the [*Department of Transportation*] **Oregon Rail and Transit Department** to finance investments
 44 and improvements or to maintain existing public transportation services, except that the moneys
 45 may not be used for **new** light rail capital expenses but may be used for **capital expenses of**

1 **maintaining existing light rail and for** light rail operation expenses.

2 (2) The Statewide Transportation Improvement Fund consists of:

3 (a) All moneys received from the tax imposed under ORS 320.550;

4 (b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

5 (c) Moneys transferred to the fund under ORS 184.642, 323.455 or 323.457 (1)(d) and (2)(b);

6 (d) Distribution repayments, if any; and

7 (e) Other moneys deposited in the fund from any source.

8 (3) Unless approved by the department, the moneys in the Statewide Transportation Improve-
9 ment Fund may not be used to supplant local and regional agency moneys currently directed to
10 public transportation service providers.

11 **SECTION 95.** ORS 184.758 is amended to read:

12 184.758. (1) The [*Oregon Transportation Commission*] **State Rail and Transit Board** shall dis-
13 tribute the moneys in the Statewide Transportation Improvement Fund established under ORS
14 184.751 to the [*Department of Transportation*] **Oregon Rail and Transit Department** to pay for:

15 (a) Program administration; and

16 (b) Projects of statewide significance that support the transit network and manage the operation
17 of public transportation services.

18 (2) The moneys described in subsection (1) of this section that remain after the distribution of
19 moneys described in subsection (1) of this section shall be distributed as follows:

20 (a) Conditioned upon the [*commission's*] **board's** approval of a public transportation improve-
21 ment plan, 90 percent to qualified entities;

22 (b) Five percent to public transportation service providers based on a competitive grant program
23 adopted by the [*commission*] **board** by rule;

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

26 (d) One percent to the [*Department of Transportation*] **Oregon Rail and Transit Department**
27 to establish a statewide public transportation technical resource center, the purpose of which is to
28 assist public transportation service providers in rural areas with technical assistance, training,
29 transportation planning and information technology.

30 (3) A portion of the 90 percent distribution under subsection (2)(a) of this section shall be dedi-
31 cated to transit services for older adults and individuals with disabilities. Each biennium the [*com-*
32 *mission*] **board** shall first distribute the moneys transferred to the fund under ORS 184.751 as needed
33 to maintain funding that benefits older adults and individuals with disabilities in the amount dis-
34 tributed during the 2019-2021 biennium. Each biennium thereafter, the [*commission*] **board** shall ad-
35 just this amount upward or downward based on the rate of growth or decline of the Statewide
36 Transportation Improvement Fund. Moneys dedicated to transit services for older adults and indi-
37 viduals with disabilities under this subsection shall be distributed as follows:

38 (a) Each transportation district and mass transit district shall receive that share of the moneys
39 as the population of the counties in which the district is situated, determined under ORS 190.510 to
40 190.610 last preceding apportionment of the moneys, bears to the total population of this state.
41 However, if two or more districts are situated in a single county, distribution of moneys under this
42 subsection shall be determined as though only the mass transit district is located in that county or,
43 if there are two or more transportation districts in the county, as though only the transportation
44 district with the highest population is located in that county.

45 (b) Each county in which no part of a mass transit district or transportation district is located

1 shall receive that share of the moneys as its population, determined under ORS 190.510 to 190.610
2 last preceding apportionment of the moneys, bears to the total population of this state.

3 (c) Each federally recognized Indian tribe shall receive that share of the moneys as the popu-
4 lation of the tribe residing in Oregon, determined by the [commission] **board** by rule, bears to the
5 total population of this state.

6 (4) Each qualified entity under subsection (3) of this section shall receive an annual target
7 amount of \$67,700. Each biennium, the [commission] **board** shall adjust this amount upward or
8 downward based on the rate of growth or decline of the Statewide Transportation Improvement
9 Fund.

10 (5) After a portion of the 90 percent distribution under subsection (2)(a) of this section is dis-
11 tributed to transit services for older adults and individuals with disabilities under subsection (3) of
12 this section, the [commission] **board** shall distribute the remaining amount to qualified entities as
13 follows:

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 target amount of \$100,000. Each biennium, the
17 [commission] **board** shall adjust this amount upward or downward based on the rate of growth or
18 decline of the Statewide Transportation Improvement Fund.

19 (b) If more than one mass transit district or transportation district is located within a single
20 county, the [commission] **board** shall distribute the moneys to the larger district.

21 (6) The [commission] **board** shall adopt by rule:

22 (a) A competitive grant program, by which a public transportation service provider may apply
23 for a percentage distribution under subsection (2)(b) of this section, and the terms and conditions
24 of grants.

25 (b) A competitive grant program, by which a public transportation service provider may apply
26 for a percentage distribution under subsection (2)(c) of this section, and the terms and conditions
27 of grants.

28 (c) A process to review and approve a public transportation improvement plan submitted under
29 subsection (7) of this section.

30 (d) Procedures for appealing a rejection of a public transportation improvement plan submitted
31 under subsection (7) of this section.

32 (e) Any other provisions or procedures that are necessary for the [commission] **board** to carry
33 out the provisions of ORS 184.758 to 184.766.

34 (7) To be eligible to receive a percentage distribution under subsection (2)(a) of this section, a
35 qualified entity shall prepare and submit a public transportation improvement plan to the [commis-
36 sion] **board**. The [commission] **board** must approve the plan submitted by the qualified entity before
37 the [commission] **board** may make a percentage distribution to the qualified entity.

38 (8) At a minimum, a public transportation improvement plan submitted under this section must
39 include:

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

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

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

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

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

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

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

9 (G) Implementation of programs to provide student transit services for students in grades 9
10 through 12; and

11 (H) Services for older adults and people with disabilities;

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

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

17 (9) If practicable, as determined by the [commission] **board** by rule each qualified entity shall
18 spend at least one percent of the amount received each year under subsection (2)(a) of this section
19 to implement programs to provide student transit services for students in grades 9 through 12.

20 (10) After the [commission] **board** makes a distribution under subsection (2) of this section,
21 qualified entities may enter into intergovernmental agreements under ORS chapter 190 to combine
22 the moneys received for public transportation improvements.

23 (11) If the [commission] **board** rejects a public transportation improvement plan or a grant ap-
24 plication submitted under this section, the [commission] **board** shall notify the entity or provider in
25 writing and state the reasons for the rejection.

26 (12) The [Department of Transportation] **Oregon Rail and Transit Department** shall make all
27 grant applications submitted under this section available to the public.

28 **SECTION 96.** ORS 184.761 is amended to read:

29 184.761. (1) The governing body of each qualified entity shall appoint an advisory committee to
30 advise and assist the governing body in prioritizing plans or projects to be funded from the moneys
31 received from a percentage distribution under ORS 184.758 to public transportation service provid-
32 ers that provide services within the jurisdiction of the qualified entity.

33 (2) Before receiving funding for a project under ORS 184.758 (2)(a), a public transportation ser-
34 vice provider that provides services shall submit a plan or project proposal to the governing body
35 of the qualified entity and receive the advisory committee's approval of the plan or project proposal.
36 The plans or project proposals submitted under this subsection must describe how the funds would
37 be used. Client-only projects, as defined by the [Oregon Transportation Commission] **State Rail and**
38 **Transit Board** by rule, may be eligible for consideration if the project is part of a planned and
39 coordinated community transportation program.

40 (3) An advisory committee appointed under this section shall review every plan or project pro-
41 posal required under subsection (2) of this section and may propose any changes to the policies or
42 practices of the governing body relating to the distribution of funding under ORS 184.758 (2)(a) and
43 that the advisory committee considers necessary to ensure that:

44 (a) A public transportation service provider that has received funding under ORS 184.758 (2)(a)
45 has applied the moneys received in accordance with and for the purposes described in the provider's

1 plan or project proposal; and

2 (b) A plan or project proposal submitted by a public transportation service provider does not
3 fragment the provision of public transportation services.

4 (4) The [*Oregon Transportation Commission*] **board** shall adopt by rule:

5 (a) Requirements for the composition of an advisory committee appointed under this section;

6 (b) Criteria that must be included in a plan or project proposal required under subsection (2)
7 of this section; and

8 (c) A process by which an advisory committee shall review and approve a plan or project pro-
9 posal.

10 (5) Notwithstanding subsection (1) of this section, the governing bodies of two or more qualified
11 entities may appoint advisory committee members to a joint advisory committee under conditions
12 determined by the [*commission*] **board** by rule.

13 **SECTION 97.** ORS 184.766 is amended to read:

14 184.766. (1) Every qualified entity that receives a percentage distribution under ORS 184.758
15 shall submit the following to the [*Department of Transportation*] **Oregon Rail and Transit Depart-**
16 **ment:**

17 (a) No later than 60 days after the end of the fiscal year, a report on any actions taken by a
18 public transportation service provider located within the area of a qualified entity to mitigate the
19 impact of the tax imposed under ORS 320.550 on passengers who reside in low-income communities;

20 (b) No later than 30 days after adoption, the annual budget for the upcoming fiscal year; and

21 (c) No later than 30 days after receipt of the final results of any audits of the qualified entity
22 or of a public transportation service provider located within the area of the qualified entity as re-
23 quired by a local, state or federal oversight agency for purposes of statewide reporting, the final
24 results including, but not limited to:

25 (A) The state financial report required under ORS 291.040;

26 (B) The results of any comprehensive review completed by the Federal Transit Administration
27 or the department;

28 (C) Any information submitted by the qualified entity as a part of the requirements of a state-
29 wide audit in accordance with the federal Single Audit Act of 1984 (31 U.S.C. 7501 to 7507), as
30 amended by the Single Audit Act Amendments of 1996 (P.L. 104-156); and

31 (D) Any quarterly reports that detail project progress, outcomes achieved and the expenditure
32 of funds described under ORS 184.758 (2)(a).

33 (2) The [*Oregon Transportation Commission*] **State Rail and Transit Board** shall establish rules
34 concerning the making of agreements for the distributions made to qualified entities under ORS
35 184.758. Each agreement must include a condition that requires a qualified entity to repay, in full,
36 distributions paid to the qualified entity, if the [*commission*] **board** determines that the recipient has
37 failed meet to any terms or conditions of the agreement.

38 **SECTION 98.** (1) **The Oregon Rail and Transit Department, in a manner determined by**
39 **the State Rail and Transit Board, may enter into operating agreements with any person. The**
40 **agreements may include, but are not limited to, provisions with respect to:**

41 (a) **Services to be rendered;**

42 (b) **Routes to be served;**

43 (c) **Schedules to be provided;**

44 (d) **Compensation to be paid;**

45 (e) **Equipment to be used;**

- 1 (f) Points to be served;
- 2 (g) Terminals to be used;
- 3 (h) Qualifications of operating employees;
- 4 (i) Accounting and reporting procedures; and
- 5 (j) Termination dates.

6 (2) To the extent practicable the department shall enter into operating agreements with
 7 carriers authorized by the department to perform passenger transportation services pursu-
 8 ant to ORS 824.020 to 824.042.

9 (3) As used in this section, “operating agreement” means an agreement for operation or
 10 maintenance on behalf of the Oregon Rail and Transit Department, but does not include
 11 agreements by which the department provides only financial or technical assistance or
 12 transportation facilities or equipment and which do not control routes, rates or levels of
 13 service, or agreements under which such control is exercised by the federal government
 14 through the department.

15 **SECTION 99.** ORS 197.794 is amended to read:

16 197.794. (1) As used in this section, “railroad company” has the meaning given that term in ORS
 17 824.200.

18 (2) If a railroad-highway crossing provides or will provide the only access to land that is the
 19 subject of an application for a land use decision, a limited land use decision or an expedited land
 20 division, the applicant must indicate that fact in the application submitted to the decision maker.

21 (3) The decision maker shall provide notice to the [*Department of Transportation*] **Oregon Rail**
 22 **and Transit Department** and the railroad company whenever the decision maker receives the in-
 23 formation described under subsection (2) of this section.

24 **SECTION 100.** Section 9, chapter 13, Oregon Laws 2023, as amended by section 7, chapter 283,
 25 Oregon Laws 2023, and section 7, chapter 326, Oregon Laws 2023, is amended to read:

26 **Sec. 9.** (1) The Land Conservation and Development Commission shall adopt rules and amend-
 27 ments to rules related to urbanization as follows:

28 (a) On or before June 30, 2024, adopt a schedule by which cities, as defined in ORS [*197.286*]
 29 **197A.015**, in Tillamook County shall demonstrate sufficient buildable lands;

30 (b) On or before January 1, 2025, to implement ORS [*197.290, 197.291, 197.293,*] 197.319 (4),
 31 197.320 (13), [*and*] 197.335 (6), **197A.100, 197A.103 and 197A.130**; and

32 (c) On or before January 1, 2026, to implement ORS [*197.286 to 197.314*] **chapter 197A**, except
 33 as provided in paragraph (b) of this subsection.

34 (2) In adopting rules under this section, the commission shall prioritize:

35 (a) Facilitating and encouraging housing production, affordability and housing choice on
 36 buildable lands within an urban growth boundary;

37 (b) Providing greater clarity and certainty in the adoption and acknowledgement of housing ca-
 38 pacity analyses, urban growth boundary amendments, urban growth boundary exchanges or urban
 39 reserves to accommodate an identified housing need;

40 (c) Reducing analytical burden, minimizing procedural redundancy and increasing legal certainty
 41 for local governments pursuing urban growth boundary amendments, urban growth boundary ex-
 42 changes or urban reserves where a housing need is identified, especially for smaller cities, consist-
 43 ent with the appropriate protection of resource lands; and

44 (d) Supporting coordinated public facilities planning, annexation, and comprehensive plan
 45 amendments to facilitate the development of lands brought into an urban growth boundary.

1 (3) In adopting rules under subsection (1)(b) of this section, the commission shall:

2 (a) Consult with the Housing and Community Services Department, Department of Transporta-
3 tion, **Oregon Rail and Transit Department**, Department of Environmental Quality, Department of
4 State Lands, Oregon Business Development Department and Department of Consumer and Business
5 Services;

6 (b) Provide clear parameters on the types and extent of actions needed or allowed under ORS
7 [197.290] **197A.100** (3) that are consistent with the technical and resource capacities of varying sizes
8 of local governments; and

9 (c) Recognize actions already taken by local governments to support the development of all
10 types of needed housing.

11 (4) To avoid interference with current planning activities or to avoid unjust or surprising re-
12 sults, the Land Conservation and Development Commission may postpone, for cities specified by the
13 commission, the applicability of [section 13, 21, 22 or 23, chapter 13, Oregon Laws 2023,] **ORS**
14 **197A.018, 197A.210, 197A.270 or 197A.280** and the amendments to ORS [197.286, 197.290, 197.296,
15 197.297 and 197.303] **197A.015, 197A.100, 197A.335, 197A.348 and 197A.350** by sections 12 and 25
16 to 28, chapter 13, Oregon Laws 2023, until a date that is not later than January 1, 2027.

17 (5) To provide for flexibility and coordination of county resources, the commission may adopt
18 any policies or rules necessary to allow cities, as defined in ORS [197.286] **197A.015**, in Tillamook
19 County to cooperate with the county in fulfilling any of the cities' duties under ORS [197.286 to
20 197.314] **chapter 197A** or coordinating the distribution of any funds to the cities for such purposes.

21 **SECTION 101.** ORS 197A.505 is amended to read:

22 197A.505. (1) The Land Conservation and Development Commission shall establish criteria, ac-
23 cording to the procedure described in this section, to be used by the Metro Council to make deci-
24 sions in a land use final order on the project improvements for the project, including their locations.

25 (2) The commission shall hold a public hearing on the criteria to be established by the commis-
26 sion.

27 (3) The commission shall publish notice of a public hearing on criteria to be established by the
28 commission in a newspaper of general circulation within the Portland metropolitan area at least 20
29 days prior to the public hearing. The notice shall state:

30 (a) The general subject matter of the hearing and the date, time and place of the hearing;

31 (b) That any criteria to be proposed to the commission must be filed at the Salem office of the
32 Department of Land Conservation and Development at least 10 days prior to commencement of the
33 hearing and will be available for public inspection following filing;

34 (c) That notice of adoption of an order establishing criteria will be provided only to persons who
35 provide oral or written testimony at the hearing and who also provide, in writing, a request for
36 written notice and a mailing address to which notice shall be sent;

37 (d) That persons whose names appear on petitions submitted into the public hearing record will
38 not be considered by that action to have provided oral or written testimony at the hearing;

39 (e) That failure by a person to raise an issue at the hearing in person or in writing, or failure
40 to provide sufficient specificity to afford the commission an opportunity to respond to the issue
41 raised, shall preclude appeal by that person on that issue; and

42 (f) That appeals from an order establishing criteria must be filed within seven days following the
43 date written notice of the order is mailed to the persons described in subsection (9)(b) of this sec-
44 tion.

45 (4) The commission may provide additional notice as it deems appropriate to inform interested

1 persons of the public hearing.

2 (5) A copy of the staff report, if any, must be made available for public inspection at least four
3 days prior to the public hearing.

4 (6) At the commencement of the hearing, a statement shall be made to those in attendance that:

5 (a) Identifies the general subject matter of the hearing;

6 (b) Submittal of proposed criteria at the hearing will not be accepted unless the proposed cri-
7 teria were filed at the Salem office of the department at least 10 days prior to the commencement
8 of the hearing;

9 (c) Failure by a person to raise an issue at the hearing in person or in writing, or failure to
10 raise an issue with sufficient specificity to afford the commission an opportunity to respond to the
11 issue raised, shall preclude appeal by that person on that issue;

12 (d) Notice of adoption of an order establishing criteria will be provided only to persons who
13 provide oral or written testimony at the hearing and who also provide a written request for notice
14 and a mailing address to which notice shall be sent;

15 (e) Persons whose names appear on petitions submitted into the public hearing record will not
16 be considered by that action to have provided oral or written testimony at the hearing; and

17 (f) Appeals from an order establishing criteria must be filed within seven days following the date
18 written notice of the order is mailed.

19 (7)(a) The commission shall allow for the submission of oral and written testimony at the hear-
20 ing, subject to any hearing procedures that the commission deems necessary.

21 (b) The commission may exclude irrelevant, immaterial or unduly repetitious testimony.

22 (c) The commission may allow only the submission of proposed criteria at the hearing that were
23 filed at the Salem office of the Department of Land Conservation and Development at least 10 days
24 prior to the commencement of the hearing.

25 (d) The commission shall designate an individual to take minutes of the hearing.

26 (8)(a) Within 14 days following commencement of the hearing, the commission shall close the
27 hearing.

28 (b) The commission shall consider all statewide planning goals and plan policies that are rele-
29 vant to decisions regarding the project improvements and their locations in establishing the criteria.

30 (c) The commission shall adopt an order establishing the criteria. The commission's order must
31 include a brief statement explaining how the criteria established reasonably reflect the statewide
32 land use planning goals and plan policies that are relevant to decisions regarding the project im-
33 provements and their locations.

34 (9) As soon as reasonably practicable following establishment of the criteria, the commission
35 shall:

36 (a) Make copies of the order and the criteria available for public inspection at both the Salem
37 and Portland offices of the Department of Land Conservation and Development; and

38 (b) Provide notice of the order and the criteria to:

39 (A) The Metro Council;

40 (B) TriMet;

41 (C) The Department of Transportation;

42 **(D) The Oregon Rail and Transit Department;**

43 [(D)] **(E)** Each affected local government; and

44 [(E)] **(F)** Any person who provided oral or written testimony at the hearing and who also pro-
45 vided a written request for notice and a mailing address to which notice shall be sent.

1 **SECTION 102.** ORS 197A.507 is amended to read:

2 197A.507. (1) Notwithstanding ORS 183.400, 183.482, 183.484, 197.825 or any other law or regu-
3 lation, exclusive jurisdiction to review a Land Conservation and Development Commission order
4 establishing criteria under ORS 197A.505 is conferred on the Supreme Court.

5 (2) Proceedings for review of an order by the commission shall be initiated when any person
6 who is adversely affected by the order files a petition for judicial review with the State Court Ad-
7 ministrator. The petition must:

8 (a) Be filed within seven days following the date of the written notice of the order;

9 (b) State the nature of the order and the manner in which the commission rejected the position
10 raised by the petitioner before the commission; and

11 (c) Contain an affidavit stating facts that show how the petitioner is adversely affected by the
12 order.

13 (3) The petitioner shall personally deliver copies of the petition for judicial review to:

14 (a) The commission, at the Salem office of the Department of Land Conservation and Develop-
15 ment;

16 (b) The Salem office of the Department of Transportation;

17 (c) The Attorney General;

18 (d) The Metro Council, at the office of Metro's executive officer;

19 **(e) The Oregon Rail and Transit Department;**

20 [(e)] **(f)** TriMet, at the office of TriMet's general manager; and

21 [(f)] **(g)** Each affected local government.

22 (4) Within seven days following filing of the petition for judicial review, the commission shall
23 personally deliver or electronically submit to the State Court Administrator a certified copy of the
24 record of the criteria proceedings. The record shall include only:

25 (a) The published notice of public hearing;

26 (b) The proposed criteria submitted as described in ORS 197A.505 (6)(b) and by written testimony
27 submitted to the commission at the hearing;

28 (c) Any written report received by the commission from the Department of Land Conservation
29 and Development at the hearing;

30 (d) Minutes of the hearing;

31 (e) The order establishing the criteria; and

32 (f) Proof of mailing to persons entitled to written notice of the order and the criteria under ORS
33 197A.505 (9)(b).

34 (5) Within 14 days following the filing of the petition for judicial review, the petitioner shall file
35 a petitioner's brief with the State Court Administrator. The brief must comply with the specifica-
36 tions for opening briefs set forth in the rules of appellate procedure. The petitioner shall personally
37 deliver a copy of the brief to:

38 (a) The Attorney General;

39 (b) The Metro Council, at the office of Metro's executive officer;

40 (c) TriMet, at the office of TriMet's general manager; and

41 (d) Each affected local government.

42 (6) The court shall consider the petitioner to be adversely affected if:

43 (a) The petitioner provided oral or written testimony at the hearing; and

44 (b) The petitioner proposed criteria in the manner described in ORS 197A.505 (6)(b) that the
45 commission rejected in its order or the petitioner, in the petitioner's testimony at the hearing, op-

1 posed the criteria that the commission established in its order.

2 (7) Within 28 days following the filing of the petition for judicial review, an answering brief
3 complying with the rules of appellate procedure may be filed by any of the following:

4 (a) The commission;

5 (b) Metro, unless Metro is the petitioner;

6 (c) TriMet, unless TriMet is the petitioner;

7 (d) The Department of Transportation, unless the Department of Transportation is the petitioner;

8 or

9 (e) Any affected local government, unless the local government is the petitioner.

10 (8) The court shall decide the matter at its earliest practicable convenience, consistent with
11 ORS 197A.500 to 197A.521. The court may decide the matter on the briefs or it may hold oral ar-
12 guments.

13 (9)(a) The court may reverse or remand the order only if the court finds that the order:

14 (A) Violates constitutional provisions;

15 (B) Exceeds the statutory authority of the commission; or

16 (C) Was adopted by the commission without substantial compliance with the procedures in ORS
17 197A.505 or in a manner that prejudiced the substantial rights of the petitioner.

18 (b) Failure of the commission to notify a person entitled to written notice under ORS 197A.505
19 (9)(b) is not grounds for reversal or remand if the commission provides evidence of mailing the no-
20 tice to that person.

21 (c) The court may not substitute its judgment for that of the commission as to any issue of fact
22 or as to any issue within the discretion of the commission.

23 (10) The court may not stay any action by the Metro Council under ORS 197A.500 to 197A.521
24 pending the court's review under this section.

25 **SECTION 103.** ORS 197A.509 is amended to read:

26 197A.509. (1)(a) On or before the date the Land Conservation and Development Commission
27 adopts the order establishing the criteria under ORS 197A.505, Metro shall establish a steering
28 committee, the initial membership of which shall include a representative from each of the following:

29 (A) Metro;

30 (B) TriMet;

31 (C) The Department of Transportation; *[and]*

32 **(D) The Oregon Rail and Transit Department; and**

33 *[(D)] (E) Each affected local government.*

34 (b) The membership of the steering committee shall, at all times, include at least the members
35 described in paragraph (a) of this subsection. The steering committee may approve additional mem-
36 bers by majority vote.

37 (c) Metro shall staff the steering committee until the adoption of the initial land use final order
38 for the project.

39 (2)(a) The steering committee shall issue recommendations for the siting of the light rail route
40 and other project improvements and their locations to TriMet.

41 (b) TriMet shall apply to the Metro Council for a land use final order approving the project
42 improvements and their locations. The applied for locations must provide sufficient boundaries to
43 accommodate adjustments to the specific placements of the project improvements for which need
44 commonly arises upon the development of more detailed environmental or engineering data following
45 approval of a Full Funding Grant Agreement.

1 (3) The council shall apply the criteria established by the Land Conservation and Development
2 Commission under ORS 197A.505 when making decisions in a land use final order on the applied for
3 project improvements, including their locations. The council shall follow the procedures described
4 in this section when adopting a land use final order.

5 (4) The council shall hold a public hearing on the project improvements, including their lo-
6 cations, for which decisions will be made in the land use final order.

7 (5)(a) At least 14 days prior to the hearing, the council shall publish notice of a public hearing
8 on the project improvements, including their locations, in a newspaper of general circulation within
9 Metro's jurisdictional area. The notice shall state:

10 (A) The general subject matter of the hearing and all matters scheduled for consideration at the
11 hearing;

12 (B) The date, time and place of the hearing;

13 (C) The street address where a staff report and the criteria may be found;

14 (D) That failure by a person to raise an issue at the hearing in person or in writing, or failure
15 to provide sufficient specificity to afford the council an opportunity to respond to the issue raised,
16 shall preclude appeal by that person to the Land Use Board of Appeals based on that issue;

17 (E) That persons whose names appear on petitions submitted into the public hearing record will
18 not be considered by that action to have provided oral or written testimony at the hearing;

19 (F) That notice of adoption of the land use final order will be provided only to persons who
20 provide oral or written testimony at the hearing and who also provide a written request for notice
21 and a mailing address to which notice shall be sent; and

22 (G) That appeals from decisions in a land use final order must be filed within 14 days following
23 the date the land use final order is reduced to writing and bears the necessary signatures.

24 (b) The council also shall provide such other notice as the council deems necessary to give no-
25 tice to persons who may be substantially affected by its decision. No other form of notice is re-
26 quired.

27 (6)(a) At least seven days prior to the hearing, the council shall make a copy of the staff report
28 available for public inspection. The staff report shall:

29 (A) Set forth the criteria established under ORS 197A.505;

30 (B) Include a description of the proposed boundaries within which the project improvements will
31 be located, as applied for by TriMet under subsection (2) of this section; and

32 (C) Address how the proposed boundaries comply with the criteria.

33 (b) Without providing additional notice, the council may amend the staff report prior to the
34 hearing as the staff considers necessary or desirable.

35 (7) At the commencement of the hearing, a statement shall be made to those in attendance that:

36 (a) Lists the criteria or directs those present to a place at the hearing location where any per-
37 son may obtain a list of the criteria at no cost;

38 (b) Lists generally the project improvements, including their locations, for which decisions will
39 be made in the land use final order;

40 (c) Testimony shall be directed toward the application of the criteria to the project improve-
41 ments, including their locations, to which decisions will be made in the land use final order;

42 (d) Failure by a person to raise an issue at the hearing, in person or in writing, or failure to
43 raise an issue with sufficient specificity to afford the council an opportunity to respond to the issue
44 raised, shall preclude appeal by that person to the board based on that issue;

45 (e) Persons whose names appear on petitions submitted into the public hearing record will not

1 be considered by that action to have provided oral or written testimony at the hearing;

2 (f) Notice of adoption of the land use final order will be provided only to the affected local
 3 governments and to the persons who have provided oral or written testimony at the hearing and
 4 who also have provided a written request for notice and a mailing address to which notice shall be
 5 sent; and

6 (g) Appeals from decisions in a land use final order on the project improvements, including their
 7 locations, must be filed within 14 days following the date the land use final order is reduced to
 8 writing and bears the necessary signatures.

9 (8)(a) The council shall allow for the submission of oral and written testimony at the hearing,
 10 subject to any hearing procedures the council deems necessary or appropriate for the adoption of
 11 a land use final order.

12 (b) The council may exclude irrelevant, immaterial or unduly repetitious testimony.

13 (9) The council may take official notice at the hearing of any matter identified in ORS 40.065
 14 and 40.090 or as authorized by resolution of the council establishing hearing procedures for the
 15 adoption of land use final orders.

16 (10) The council is not required to provide any opportunities in addition to those described in
 17 this section for interested persons to participate in the proceedings of the council in adopting a land
 18 use final order. The council may establish by resolution additional procedures to govern its pro-
 19 ceedings in adopting a land use final order, subject to the provisions of this section.

20 (11) The council shall close the hearing and shall adopt a land use final order by resolution or
 21 continue the matter as provided in ORS 197A.511 (1) or as the council otherwise considers necessary
 22 for the purpose of adopting a land use final order.

23 **SECTION 104.** ORS 197A.515 is amended to read:

24 197A.515. (1) Notwithstanding ORS 183.482, 183.484 or 197.825 and as provided by ORS 197A.500
 25 to 197A.521, the Land Use Board of Appeals and the Supreme Court have exclusive jurisdiction for
 26 review of a land use final order adopted under ORS 197A.511 relating to the project.

27 (2) Proceedings for review of a land use final order shall be initiated with the Land Use Board
 28 of Appeals when any person with standing petitions for review under subsection (3) of this section.

29 (3) The board shall consider a person to have standing if the person:

30 (a) Appeared before the Metro Council orally or in writing at the hearing described in ORS
 31 197A.509 on the project; and

32 (b) Personally delivered a notice of intent to appeal the land use final order as described by
 33 subsection (5) of this section within 14 days following the adoption of the land use final order as
 34 described in ORS 197A.509 (11).

35 (4) A person's failure to raise an issue at the land use final order hearing, in person or in
 36 writing, or failure to raise an issue with sufficient specificity to afford the council an opportunity
 37 to respond to the issue raised, shall preclude that person from petitioning for review based on that
 38 issue.

39 (5)(a) A notice of intent to appeal shall:

40 (A) Contain an affidavit stating the facts that support the petitioner's standing as required by
 41 subsection (3) of this section;

42 (B) State with particularity the grounds on which the petitioner assigns error; and

43 (C) State the residence or business address of the petitioner to which documents may be deliv-
 44 ered and the telephone number where the petitioner may be reached during normal business hours.

45 (b) The petitioner shall personally deliver copies of the notice of intent to appeal to:

- 1 (A) The board;
- 2 (B) Metro, at the office of Metro’s executive officer; and
- 3 (C) Each affected local government.
- 4 (6) Only the following persons may intervene in and thereby be made a party to the review
- 5 proceedings:
- 6 (a) The board;
- 7 (b) Metro;
- 8 (c) TriMet;
- 9 **(d) Oregon Rail and Transit Department;**
- 10 ~~[(d)]~~ (e) The Department of Transportation; and
- 11 ~~[(e)]~~ (f) Any affected local government.
- 12 (7)(a) Within seven days following delivery of a notice of intent to appeal as required by sub-
- 13 section (5) of this section, Metro shall personally deliver a certified copy of the record of the
- 14 council’s land use final order proceedings to the board. The record shall consist of:
- 15 (A) The land use final order;
- 16 (B) The statement of findings included with the land use final order;
- 17 (C) The notice of public hearing on the land use final order;
- 18 (D) Audio recordings of the hearing, if any;
- 19 (E) A statement of matters that were officially noticed at the hearing;
- 20 (F) The staff report and any amendments thereto; and
- 21 (G) All documents accepted into the public hearing record.
- 22 (b) Metro shall make available a copy of the record for inspection by petitioners, and shall
- 23 provide a copy of the record to any petitioner upon request. Metro may not charge a petitioner an
- 24 amount greater than the actual copying costs for a copy of the record.
- 25 (8)(a) Within four days following delivery of the record to the board, a petitioner may object to
- 26 the record by personal delivery to the board and the residence or business addresses of the inter-
- 27 vening parties.
- 28 (b) Within four days following delivery of the objections to the record, Metro shall respond to
- 29 the objections by personal delivery to the board and the residence or business addresses of the
- 30 petitioners objecting.
- 31 (c) After delivery of the objections and the response, the board shall rule expeditiously on the
- 32 objections. The board’s ruling on the objections does not affect the briefing schedule or decision
- 33 timelines set forth in ORS 197A.500 to 197A.521.
- 34 (9) Stays or continuances of proceedings are not permitted for the proceedings described in this
- 35 section.
- 36 (10)(a) Within 14 days following the filing of the notice of intent to appeal, a petitioner shall
- 37 personally deliver a petition for review and brief to each entity listed in subsection (6) of this sec-
- 38 tion that has filed a motion to intervene on the entity’s own behalf in the review proceedings.
- 39 (b) The petition for review and brief shall:
- 40 (A) Set out in detail each assignment of error; and
- 41 (B) Identify those portions of the record in which the petitioner raised the issues as to which
- 42 error is assigned during the land use final order hearing.
- 43 (c) The petition for review and brief shall comply with the specifications for opening briefs set
- 44 forth in the rules of appellate procedure.
- 45 (11)(a) Within 28 days following the filing of the notice of intent to appeal, Metro and any in-

1 intervening party shall personally deliver their briefs in response to a petition for review and brief
 2 to the board and to any petitioner at the petitioner's residence or business address.

3 (b) Responding briefs shall comply with the specifications for answering briefs set forth in the
 4 rules of appellate procedure.

5 (12)(a) Within 35 days following the filing of the notice of intent to appeal, the board shall hear
 6 oral argument in the manner provided for in its administrative rules.

7 (b) Neither the board nor the court may substitute its judgment for that of the council as to any
 8 issue of fact or any issue within the discretion of the council.

9 (13)(a) Within 28 days following oral argument, the board shall issue a final opinion affirming
 10 or remanding the council's land use final order and stating the reasons for the decision.

11 (b) The board may remand the land use final order only if the board finds that the council:

12 (A) Improperly construed the criteria;

13 (B) Exceeded its statutory or constitutional authority; or

14 (C) Made a decision in the land use final order on the project improvements, including their
 15 locations, that was not supported by substantial evidence in the record.

16 (c) The existence in the record of substantial evidence supporting a different decision on the
 17 project improvements, including their locations, is not grounds for remand if there was also sub-
 18 stantial evidence in the record supporting the land use final order.

19 (d) Failure to comply with statutory procedures, including notice requirements, is not grounds
 20 for invalidating a land use final order.

21 (e) The board shall affirm all portions of the land use final order that it does not remand.

22 (14) Upon issuance of its final opinion under subsection (13) of this section, the board shall:

23 (a) Transmit copies of the final opinion to the parties; and

24 (b) Inform the parties of the filing of the final opinion by telephone.

25 (15) Within seven days following issuance of its final opinion, the board shall personally deliver
 26 or electronically submit a copy of the record of the board with the State Court Administrator.

27 **SECTION 105.** ORS 209.300 is amended to read:

28 209.300. When a railroad gives notice of its intention to abandon a railroad line within this
 29 state, the [*Department of Transportation*] **Oregon Rail and Transit Department** shall provide a
 30 copy of the notice to the county surveyor of each county in which the line to be abandoned is lo-
 31 cated. Upon written request from a county surveyor so notified, the railroad shall provide the
 32 county surveyor with a reproducible copy of the right of way plats for the line to be abandoned.
 33 The copy of the right of way plats shall be provided prior to abandonment at no cost to the county
 34 surveyor, and shall show the center line of trackage as originally constructed and currently existing,
 35 together with ties to monumented public land survey corners, as shown by the right of way plats.

36 **SECTION 106.** ORS 244.050 is amended to read:

37 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 38 Government Ethics Commission a verified statement of economic interest as required under this
 39 chapter:

40 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 41 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

42 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 43 judicial officer who does not otherwise serve as a judicial officer.

44 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

45 (d) The Deputy Attorney General.

- 1 (e) The Deputy Secretary of State.
- 2 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
- 3 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
- 4 of Representatives and the Legislative Equity Officer.
- 5 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
- 6 versity listed in ORS 352.002.
- 7 (h) The following state officers:
- 8 (A) Adjutant General.
- 9 (B) Director of Agriculture.
- 10 (C) Manager of State Accident Insurance Fund Corporation.
- 11 (D) Water Resources Director.
- 12 (E) Director of the Department of Environmental Quality.
- 13 (F) Director of the Oregon Department of Administrative Services.
- 14 (G) State Fish and Wildlife Director.
- 15 (H) State Forester.
- 16 (I) State Geologist.
- 17 (J) Director of Human Services.
- 18 (K) Director of the Department of Consumer and Business Services.
- 19 (L) Director of the Department of State Lands.
- 20 (M) State Librarian.
- 21 (N) Administrator of the Oregon Liquor and Cannabis Commission.
- 22 (O) Superintendent of State Police.
- 23 (P) Director of the Public Employees Retirement System.
- 24 (Q) Director of Department of Revenue.
- 25 (R) Director of Transportation.
- 26 (S) Public Utility Commissioner.
- 27 (T) Director of Veterans' Affairs.
- 28 (U) Executive director of Oregon Government Ethics Commission.
- 29 (V) Director of the State Department of Energy.
- 30 (W) Director and each assistant director of the Oregon State Lottery.
- 31 (X) Director of the Department of Corrections.
- 32 (Y) Director of the Oregon Department of Aviation.
- 33 (Z) Executive director of the Oregon Criminal Justice Commission.
- 34 (AA) Director of the Oregon Business Development Department.
- 35 (BB) Director of the Oregon Department of Emergency Management.
- 36 (CC) Director of the Employment Department.
- 37 (DD) State Fire Marshal.
- 38 (EE) Chief of staff for the Governor.
- 39 (FF) Director of the Housing and Community Services Department.
- 40 (GG) State Court Administrator.
- 41 (HH) Director of the Department of Land Conservation and Development.
- 42 (II) Board chairperson of the Land Use Board of Appeals.
- 43 (JJ) State Marine Director.
- 44 (KK) Executive director of the Oregon Racing Commission.
- 45 (LL) State Parks and Recreation Director.

- 1 (MM) Executive director of the Oregon Public Defense Commission.
- 2 (NN) Chairperson of the Public Employees' Benefit Board.
- 3 (OO) Director of the Department of Public Safety Standards and Training.
- 4 (PP) Executive director of the Higher Education Coordinating Commission.
- 5 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 6 (RR) Director of the Oregon Youth Authority.
- 7 (SS) Director of the Oregon Health Authority.
- 8 (TT) Deputy Superintendent of Public Instruction.
- 9 **(UU) Director of the Oregon Rail and Transit Department.**
- 10 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 11 the Governor's office.
- 12 (j) Every elected city or county official.
- 13 (k) Every member of a city or county planning, zoning or development commission.
- 14 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 15 cipal administrator of the city or county.
- 16 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 17 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 18 executive officer thereof.
- 19 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 20 (p) The chief administrative officer and the financial officer of each common and union high
- 21 school district, education service district and community college district.
- 22 (q) Every member of the following state boards, commissions and councils:
- 23 (A) Governing board of the State Department of Geology and Mineral Industries.
- 24 (B) Oregon Business Development Commission.
- 25 (C) State Board of Education.
- 26 (D) Environmental Quality Commission.
- 27 (E) Fish and Wildlife Commission of the State of Oregon.
- 28 (F) State Board of Forestry.
- 29 (G) Oregon Government Ethics Commission.
- 30 (H) Oregon Health Policy Board.
- 31 (I) Oregon Investment Council.
- 32 (J) Land Conservation and Development Commission.
- 33 (K) Oregon Liquor and Cannabis Commission.
- 34 (L) Oregon Short Term Fund Board.
- 35 (M) State Marine Board.
- 36 (N) Mass transit district boards.
- 37 (O) Energy Facility Siting Council.
- 38 (P) Board of Commissioners of the Port of Portland.
- 39 (Q) Employment Relations Board.
- 40 (R) Public Employees Retirement Board.
- 41 (S) Oregon Racing Commission.
- 42 (T) Oregon Transportation Commission.
- 43 (U) Water Resources Commission.
- 44 (V) Workers' Compensation Board.
- 45 (W) Oregon Facilities Authority.

- 1 (X) Oregon State Lottery Commission.
 2 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
 3 (Z) Columbia River Gorge Commission.
 4 (AA) Oregon Health and Science University Board of Directors.
 5 (BB) Capitol Planning Commission.
 6 (CC) Higher Education Coordinating Commission.
 7 (DD) Oregon Growth Board.
 8 (EE) Early Learning Council.
 9 (FF) The Oversight and Accountability Council.
 10 **(GG) State Rail and Transit Board.**
 11 (r) The following officers of the State Treasurer:
 12 (A) Deputy State Treasurer.
 13 (B) Chief of staff for the office of the State Treasurer.
 14 (C) Director of the Investment Division.
 15 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
 16 or 777.915 to 777.953.
 17 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
 18 (u) Every member of a governing board of a public university listed in ORS 352.002.
 19 (v) Every member of the district school board of a common school district or union high school
 20 district.
 21 (w) Every member of the board of directors of an authority created under ORS 465.600 to
 22 465.621.
 23 (2) By April 15 next after the date an appointment takes effect, every appointed public official
 24 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
 25 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
 26 and 244.090.
 27 (3) By April 15 next after the filing deadline for the primary election, each candidate described
 28 in subsection (1) of this section shall file with the commission a statement of economic interest as
 29 required under ORS 244.060, 244.070 and 244.090.
 30 (4) Not later than the 40th day before the date of the statewide general election, each candidate
 31 described in subsection (1) of this section who will appear on the statewide general election ballot
 32 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
 33 section shall file with the commission a statement of economic interest as required under ORS
 34 244.060, 244.070 and 244.090.
 35 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
 36 appointed public officials as of April 15 and to persons who are candidates on April 15.
 37 (6) If a statement required to be filed under this section has not been received by the commis-
 38 sion within five days after the date the statement is due, the commission shall notify the public of-
 39 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
 40 requirements of this section. If the public official or candidate fails to comply by the date set by the
 41 commission, the commission may impose a civil penalty as provided in ORS 244.350.
 42 **SECTION 107.** ORS 267.210 is amended to read:
 43 267.210. (1) A district shall, within a reasonable time after formation, prepare a broad, general
 44 plan for a mass transit system for the district. The plan shall be prepared in cooperation with the
 45 [*Department of Transportation*] **Oregon Rail and Transit Department** and cities and counties lo-

1 cated within and adjacent to the district.

2 (2) The plan shall show existing and proposed transit systems of the district and of other public
3 and private agencies relating to mass transit. It shall demonstrate a basis for the coordination and
4 planning of future construction, improvement and equipment acquisition of the district, govern-
5 mental agencies and private interests to assure maximum efficiency and use of mass transit in the
6 district. The plans shall be based on the needs of the district and take into consideration the plans
7 and programs, if any, developed by the [*Department of Transportation*] **Oregon Rail and Transit**
8 **Department** and cities and counties located within the district. The district may have access to all
9 information, statistics, plans and data in the possession of or available to any state agency or public
10 corporation which is pertinent to the preparation of the plan and may reimburse the agency or
11 corporation for any expense incurred in cooperating with the board.

12 (3) The district board shall revise the plan as necessary for the proper control, utilization, de-
13 velopment and improvement of the district transit system.

14 **SECTION 108.** ORS 267.230 is amended to read:

15 267.230. (1) Except as provided in ORS 824.045 and subsection (2) of this section, a transit system
16 operated by a district, including the rates and charges made by a district and the equipment oper-
17 ated by a district, [*shall not be*] **is not** subject to state laws or ordinances of any political subdivi-
18 sion regulating public utilities or railroads, including those laws administered by the [*Department*
19 *of Transportation*] **Oregon Rail and Transit Department**.

20 (2) ORS 824.200 to 824.256 apply to the transit system operated by a district except for control
21 and regulation of any crossing at which the light rail transit vehicles of a district's transit system
22 cross a highway at separated grades or any grade crossing at which the light rail transit vehicles
23 operate within and parallel to the right of way of a highway and where all conflicting vehicle
24 movements are controlled by standard highway traffic devices. However, upon written request from
25 the district and the public authority with jurisdiction over the highway at such a grade crossing,
26 the department shall adjudicate any dispute that arises between the district and the public authority
27 with regard to the grade crossing.

28 **SECTION 109.** ORS 267.575 is amended to read:

29 267.575. (1) A district shall, within a reasonable time after formation, prepare a broad, general
30 plan for a public transit system for the district. The plan shall be prepared in cooperation with the
31 [*Department of Transportation*] **Oregon Rail and Transit Department** and cities and counties lo-
32 cated within and adjacent to the district.

33 (2) The plan shall show existing and proposed transit systems of the district and of other public
34 and private agencies relating to public transit. It shall demonstrate a basis for the coordination and
35 planning of future construction, improvement and equipment acquisition of the district, govern-
36 mental agencies and private interests to assure maximum efficiency and use of public transit in the
37 district. The plans shall be based on the needs of the district and take into consideration the plans
38 and programs, if any, developed by the [*Department of Transportation*] **Oregon Rail and Transit**
39 **Department** and cities and counties located within and adjacent to the district. The district may
40 have access to all information, statistics, plans and data in the possession of or available to any
41 state agency or public corporation which is pertinent to the preparation of the plan and may reim-
42 burse the agency or corporation for any expense incurred in cooperating with the board.

43 (3) The district board shall revise the plan as necessary for the proper control, utilization, de-
44 velopment and improvement of the district transit system.

45 **SECTION 110.** ORS 271.310 is amended to read:

1 271.310. (1) Except as provided in subsection (2) of this section and subject to subsection (3) of
2 this section, whenever any political subdivision possesses or controls real property not needed for
3 public use, or whenever the public interest may be furthered, a political subdivision may sell, ex-
4 change, convey or lease for any period not exceeding 99 years all or any part of the political
5 subdivision's interest in the property to a governmental body or private individual or corporation.
6 The consideration for the transfer or lease may be cash or real property, or both.

7 (2) If the ownership, right or title of the political subdivision to any real property set apart by
8 deed, will or otherwise for a burial ground or cemetery, or for the purpose of interring the remains
9 of deceased persons, is limited or qualified or the use of the real property is restricted, whether by
10 dedication or otherwise, the political subdivision may, after the county court or governing body
11 thereof has first declared by resolution that the real property is not needed for public use, or that
12 the sale, exchange, conveyance or lease of the real property will further the public interest, file a
13 complaint in the circuit court for the county in which the real property is located against all per-
14 sons claiming any right, title or interest in the real property, whether the interest be contingent,
15 conditional or otherwise, for authority to sell, exchange, convey or lease all or any part of the real
16 property. The resolution is prima facie evidence that the real property is not needed for public use,
17 or that the sale, exchange, conveyance or lease will further the public interest. The action shall be
18 commenced and prosecuted to final determination in the same manner as an action not triable by
19 right to a jury. The complaint shall contain a description of the real property, a statement of the
20 nature of the restriction, qualification or limitations, and a statement that the defendants claim some
21 interest therein. The court shall make such judgment as it shall deem proper, taking into consider-
22 ation the limitation, qualifications or restrictions, the resolution, and all other matters pertinent
23 thereto. Neither costs nor disbursements may be recovered against any defendant.

24 (3)(a) At least 30 days before listing or placing real property for sale, exchange or conveyance,
25 a political subdivision shall notify the [*Department of Transportation*] **Oregon Rail and Transit**
26 **Department** of its intent to sell, exchange or convey the real property if the real property is within
27 100 feet of a railroad right of way or is within 500 feet of an at-grade rail crossing.

28 (b) The department shall share the advance notice with private providers of rail service that
29 might be interested in obtaining the real property to facilitate the current delivery or future ex-
30 pansion of rail service. Notwithstanding the benefit of receiving advance notice, a private provider
31 of rail service may not obtain or enter into negotiations to obtain the real property until the poli-
32 tical subdivision offers the real property for sale, exchange, conveyance or lease to the general
33 public. As used in this paragraph, "general public" includes private providers of rail service.

34 (c) Paragraph (a) of this subsection does not apply:

35 (A) To light rail corridors and any other rail corridors excluded by rule of the department;

36 (B) If the proposed sale, exchange or conveyance of the real property is to a provider of rail
37 service; or

38 (C) To the proposed sale, exchange or conveyance of easements.

39 (d) The department shall adopt rules to implement this subsection. The rules may include pro-
40 visions that:

41 (A) Identify rail corridors within which a political subdivision is not required to provide notice
42 of intention to sell, exchange or convey real property within 100 feet of a railroad right of way or
43 within 500 feet of an at-grade rail crossing.

44 (B) Establish a process for providing advance notice to private providers of rail service.

45 (4) Unless the governing body of a political subdivision determines under subsection (1) of this

1 section that the public interest may be furthered, real property needed for public use by any poli-
 2 tical subdivision owning or controlling the property may not be sold, exchanged, conveyed or leased
 3 under the authority of ORS 271.300 to 271.360, except that it may be exchanged for property that
 4 is of equal or superior useful value for public use. Any such property not immediately needed for
 5 public use may be leased if, in the discretion of the governing body having control of the property,
 6 the property will not be needed for public use within the period of the lease.

7 (5) The authority to lease property granted by this section includes authority to lease property
 8 not owned or controlled by the political subdivision at the time of entering into the lease. A lease
 9 under this subsection shall be conditioned upon the subsequent acquisition of the interest covered
 10 by the lease.

11 **SECTION 111.** ORS 279A.050 is amended to read:

12 279A.050. (1)(a) Except as otherwise provided in the Public Contracting Code, a contracting
 13 agency shall exercise all of the contracting agency's procurement authority in accordance with the
 14 provisions of the Public Contracting Code.

15 (b) If a contracting agency has authority under this section to carry out functions described in
 16 this section, or has authority to make procurements under a provision of law other than the Public
 17 Contracting Code, the contracting agency need not exercise the contracting agency's authority in
 18 accordance with the provisions of the code if, under ORS 279A.025, the code does not apply to the
 19 contract or contracting agency.

20 (2)(a) Except as otherwise provided in paragraph (b) of this subsection and the Public Con-
 21 tracting Code, for state agencies the Director of the Oregon Department of Administrative Services
 22 has all the authority available to carry out the provisions of the Public Contracting Code.

23 (b) Except as otherwise provided in the Public Contracting Code, for state agencies the director
 24 may delegate to the State Chief Information Officer the authority to procure or supervise the pro-
 25 curement of all goods, services and personal services related to information technology and tele-
 26 communications for state contracting agencies. This paragraph does not apply to contracts under
 27 which the contractor delivers to the state agency information technology products or services inci-
 28 dentally in performing a personal services contract described in ORS chapter 279C or a construction
 29 contract described in ORS chapter 279C.

30 (3) Except as otherwise provided in the Public Contracting Code, the Director of Transportation
 31 has all the authority available to:

32 [(a) *Procure or supervise the procurement of all services and personal services to construct, acquire,*
 33 *plan, design, maintain and operate passenger terminal facilities and motor vehicle parking facilities in*
 34 *connection with any public transportation system in accordance with ORS 184.689 (5);]*

35 [(b)] (a) Procure or supervise the procurement of all goods, services, public improvements and
 36 personal services that relate to operating, maintaining or constructing highways, bridges and other
 37 transportation facilities that are subject to the authority of the Department of Transportation; and

38 [(c)] (b) Establish standards for, prescribe forms for and conduct the prequalification of pro-
 39 spective bidders on public improvement contracts that relate to operating, maintaining or con-
 40 structing highways, bridges and other transportation facilities that are subject to the authority of
 41 the Department of Transportation.

42 (4) Except as otherwise provided in the Public Contracting Code, the Secretary of State has all
 43 the authority to procure or supervise the procurement of goods, services and personal services re-
 44 lated to programs under the authority of the Secretary of State.

45 (5) Except as otherwise provided in the Public Contracting Code, the State Treasurer has all the

1 authority to procure or supervise the procurement of goods, services and personal services related
2 to programs under the authority of the State Treasurer.

3 (6) The state agencies listed in this subsection have all the authority to do the following in ac-
4 cordance with the Public Contracting Code:

5 (a) The Department of Human Services to procure or supervise the procurement of goods, ser-
6 vices and personal services under ORS 179.040 for the department's institutions and the procurement
7 of goods, services and personal services for constructing, demolishing, exchanging, maintaining, op-
8 erating and equipping housing for the purpose of providing care to individuals with intellectual
9 disabilities or other developmental disabilities, subject to applicable provisions of ORS 427.335;

10 (b) The Oregon Health Authority to procure or supervise the procurement of goods, services and
11 personal services under ORS 179.040 and construction materials, equipment and supplies for the
12 authority's institutions and the procurement of goods, services, personal services, construction ma-
13 terials, equipment and supplies for constructing, demolishing, exchanging, maintaining, operating
14 and equipping housing for individuals with chronic mental illness, subject to applicable provisions
15 of ORS 426.504;

16 (c) The State Department of Fish and Wildlife to procure or supervise the procurement of con-
17 struction materials, equipment, supplies, services and personal services for public improvements,
18 public works or ordinary construction described in ORS 279C.320 that is subject to the authority
19 of the State Department of Fish and Wildlife;

20 (d) The State Parks and Recreation Department to procure or supervise the procurement of all
21 goods, services, public improvements and personal services related to state parks;

22 (e) The Oregon Department of Aviation to procure or supervise the procurement of construction
23 materials, equipment, supplies, services and personal services for public improvements, public works
24 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
25 Department of Aviation;

26 (f) The Oregon Business Development Department to procure or supervise the procurement of
27 all goods, services, personal services and public improvements related to its foreign trade offices
28 operating outside the state;

29 (g) The Housing and Community Services Department to procure or supervise the procurement
30 of goods, services and personal services that are unrelated to the department's duties prescribed in
31 ORS chapters 456 and 458, and not otherwise provided for by ORS 456.625 (19);

32 (h) The Department of Corrections to procure or supervise the procurement of construction
33 materials, equipment, supplies, services and personal services for public improvements, public works
34 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Depart-
35 ment of Corrections;

36 (i) The Department of Corrections, subject to any applicable provisions of ORS 279A.120,
37 279A.125, 279A.145 and 283.110 to 283.395, to procure or supervise the procurement of goods, ser-
38 vices and personal services under ORS 179.040 for its institutions;

39 (j) The Department of Veterans' Affairs to procure or supervise the procurement of real estate
40 broker and principal real estate broker services related to programs under the department's au-
41 thority;

42 (k) The Oregon Military Department to procure or supervise the procurement of construction
43 materials, equipment, supplies, services and personal services for public improvements, public works
44 or ordinary construction described in ORS 279C.320 that is subject to the authority of the Oregon
45 Military Department;

1 (L) The Department of Education, subject to any applicable provisions of ORS 329.075, 329.085
 2 and 329.485 and the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802), to procure or
 3 supervise the procurement of goods, services, personal services and information technology related
 4 to student assessment;

5 (m) The Department of Early Learning and Care to procure or supervise the procurement of
 6 goods, services, personal services and information technology related to the authority of the de-
 7 partment or the Early Learning Council; and

8 (n) Any state agency to conduct a procurement when the agency is specifically authorized by
 9 any provision of law other than the Public Contracting Code to enter into a contract.

10 (7)(a) Notwithstanding this section and ORS 279A.140 (1), the Director of the Oregon Depart-
 11 ment of Administrative Services has exclusive authority, unless the director delegates the authority,
 12 to procure or supervise the procurement of all price agreements on behalf of the state agencies
 13 identified in subsection (6) of this section under which more than one state agency may order goods,
 14 services or personal services.

15 (b) The director may delegate to the State Chief Information Officer the exclusive authority to
 16 procure or supervise the procurement of all price agreements related to information technology and
 17 telecommunications on behalf of the state agencies identified in subsection (6) of this section.
 18 Notwithstanding any authority that a state agency may have under subsection (3) or (6) of this
 19 section, the state agency may not establish a price agreement or enter into a contract for goods,
 20 services or personal services without the approval of the director or the State Chief Information
 21 Officer if the director or the State Chief Information Officer has established a price agreement for
 22 the goods, services or personal services.

23 (c) The State Chief Information Officer may review any solicitation document for procuring in-
 24 formation technology or telecommunications that a state agency intends to issue before the state
 25 agency issues the solicitation document and may require the state agency to name the State Chief
 26 Information Officer as a third-party beneficiary with full authority to enforce the terms and condi-
 27 tions of any public contract for information technology or telecommunications. The State Chief In-
 28 formation Officer must approve a state agency's procurement for information technology or
 29 telecommunications if the procurement has an anticipated contract price of \$1 million or more. The
 30 State Chief Information Officer may require the state agency to name the State Chief Information
 31 Officer as the contracting party on behalf of the State of Oregon in a procurement for information
 32 technology or telecommunications that has an anticipated contract price of \$1 million or more.

33 **(8) Except as otherwise provided in the Public Contracting Code, the Director of the**
 34 **Oregon Rail and Transit Department has all the authority available to procure or supervise**
 35 **the procurement of all services and personal services to construct, acquire, plan, design,**
 36 **maintain and operate passenger terminal facilities and motor vehicle parking facilities in**
 37 **connection with any public transportation system in accordance with ORS 184.689 (5).**

38 **SECTION 112.** ORS 279A.130 is amended to read:

39 279A.130. (1) Notwithstanding provisions of law that require a contracting agency to award a
 40 contract to the lowest responsible bidder or best proposer or provider of a quotation, a contracting
 41 agency that receives and uses funds from the federal government or an agency of the federal gov-
 42 ernment for a transit project may give preference to a bidder or proposer that exceeds federal Buy
 43 America requirements that apply to federally funded transit projects, as permitted under 49 C.F.R.
 44 661.21 as that regulation existed on March 16, 2012.

45 (2) The [*Department of Transportation*] **Oregon Rail and Transit Department**, the Oregon De-

1 partment of Administrative Services and the Attorney General may adopt rules under ORS 279A.065
2 and establish policies and procedures to implement subsection (1) of this section.

3 **SECTION 113.** ORS 279C.307 is amended to read:

4 279C.307. (1) Except as provided in subsections (2) and (3) of this section, a contracting agency
5 that procures personal services for the purpose of administering, managing, monitoring, inspecting,
6 evaluating compliance with or otherwise overseeing a public contract that is subject to this chapter
7 may not:

8 (a) Procure the personal services from a contractor or an affiliate of a contractor who is a party
9 to the public contract that is subject to administration, management, monitoring, inspection, evalu-
10 ation or oversight by means of the personal services; or

11 (b) Procure the personal services through the public contract that is subject to administration,
12 management, monitoring, inspection, evaluation or oversight by means of the personal services.

13 (2) Subsection (1) of this section does not apply to a combination of preconstruction services and
14 construction services in a procurement for construction manager/general contractor services or to
15 a combination of design services and construction services in a design-build procurement, as defined
16 in rules the Attorney General or a contracting agency adopts under ORS 279A.065.

17 (3)(a) If a contracting agency anticipates that the contracting agency must procure personal
18 services of the type described in subsection (1) of this section and the contracting agency intends
19 to accept a bid or proposal from a contractor that would be subject to the prohibition set forth in
20 subsection (1) of this section, the contracting agency shall apply to an appropriate authority for an
21 exception to the prohibition before awarding a public contract for the personal services or amending
22 an existing public contract to include the personal services.

23 (b) For a state contracting agency, the appropriate authority is the Director of the Oregon De-
24 partment of Administrative Services. For a local contracting agency, the appropriate authority is the
25 local contracting agency's local contract review board. For the Department of Transportation, with
26 respect to a procurement described in ORS 279A.050 [(3)(b)] **(3)(a)**, the appropriate authority is the
27 Director of Transportation.

28 (c) In preparing an application under paragraph (a) of this subsection, a contracting agency shall
29 consult with legal counsel to ensure compliance with the provisions of this section and this chapter.
30 The requirements of this paragraph are in addition to any requirements for legal sufficiency ap-
31 proval under ORS 291.047.

32 (d) An application under paragraph (a) of this subsection must include findings and justifications,
33 along with sufficient facts to support the findings and justifications, that enable the authority to
34 make an independent judgment as to whether:

35 (A) The contracting agency requires the personal services described in subsection (1) of this
36 section;

37 (B) Accepting a bid or proposal from a contractor that would be subject to the prohibition de-
38 scribed in subsection (1) of this section is in the best interest of the contracting agency; and

39 (C) Approving an exception:

40 (i) Is unlikely to encourage favoritism in awarding public contracts or to substantially diminish
41 competition for public contracts; and

42 (ii)(I) Is reasonably expected to result in substantial cost savings to the contracting agency or
43 the public; or

44 (II) Otherwise substantially promotes the public interest in a manner that could not be
45 practicably realized by complying with the prohibition described in subsection (1) of this section.

1 (e)(A) If the appropriate authority approves the contracting agency's application under para-
2 graph (a) of this subsection, the appropriate authority shall prepare written findings and justifica-
3 tions for the approval. The contracting agency's findings, justifications and facts and the appropriate
4 authority's findings, justifications and approval are public records that are subject to disclosure as
5 provided in ORS 192.311 to 192.478.

6 (B) If the appropriate authority disapproves the contracting agency's application, the appropri-
7 ate authority shall state the reasons for the disapproval in a written notice to the contracting
8 agency and shall indicate whether the disapproval extends only to the contracting agency's accept-
9 ance of a bid or proposal from a contractor that would be subject to the prohibition described in
10 subsection (1) of this section or whether the appropriate authority also disagrees with the con-
11 tracting agency's stated need for the personal services.

12 (C) The appropriate authority's approval or disapproval is final.

13 (f) In approving an exception under this subsection, the appropriate authority may direct a
14 contracting agency to consult with legal counsel to ensure compliance with applicable law in con-
15 ducting a procurement for personal services of the type described in subsection (1) of this section.

16 **SECTION 114.** ORS 279C.335 is amended to read:

17 279C.335. (1) A contracting agency may award a public improvement contract only in response
18 to competitive bids, except for:

19 (a) A public improvement contract with a qualified nonprofit agency that provides employment
20 opportunities for individuals with disabilities under ORS 279.835 to 279.855.

21 (b) A public improvement contract that is exempt under subsection (2) of this section.

22 (c) A public improvement contract with a value of less than \$25,000. A state contracting agency
23 that awards a public improvement contract with a contract price of \$10,000 or more under this
24 paragraph shall document in the state contracting agency's procurement file the actions the state
25 contracting agency takes to:

26 (A) Comply with ORS 200.035; and

27 (B) Invite to participate in the procurement qualified businesses or enterprises that the Certi-
28 fication Office for Business Inclusion and Diversity certifies under ORS 200.055.

29 (d) A public improvement contract with a contract price that does not exceed \$100,000 made
30 under procedures for competitive quotes in ORS 279C.412 and 279C.414.

31 (e) A contract to repair, maintain, improve or protect property the Department of Veterans'
32 Affairs obtains under ORS 407.135 and 407.145 (1).

33 (f) An energy savings performance contract that a contracting agency enters into in accordance
34 with rules of procedure adopted under ORS 279A.065.

35 (g) A public improvement contract with an estimated contract price of \$250,000 or less that a
36 contracting agency awards to an emerging small business certified under ORS 200.055 and funds
37 with moneys from the Emerging Small Business Account established under ORS 200.180. A con-
38 tracting agency that awards a public contract exempted from competitive bidding under this para-
39 graph shall solicit competitive quotes as provided in ORS 279C.414 before making the award.

40 (h) A public improvement contract that the Department of Transportation awards to a qualified
41 small business under the small business development program described in ORS 184.906. The de-
42 partment may choose to award a public improvement contract described in this paragraph
43 competitively or using other selection methods that comply with the policies set forth in ORS
44 279A.015.

45 (2) Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department

1 of Administrative Services, a local contract review board or, for contracts described in ORS
2 279A.050 [(3)(b)] **(3)(a)**, the Director of Transportation may exempt a public improvement contract
3 or a class of public improvement contracts from the competitive bidding requirement of subsection
4 (1) of this section after the Director of the Oregon Department of Administrative Services, the Di-
5 rector of Transportation or the local contract review board approves the following findings that the
6 contracting agency submits or, if a state agency is not the contracting agency, that the state agency
7 that is seeking the exemption submits:

8 (a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts
9 or substantially diminish competition for public improvement contracts.

10 (b) Awarding a public improvement contract under the exemption will likely result in substantial
11 cost savings and other substantial benefits to the contracting agency or the state agency that seeks
12 the exemption or, if the contract is for a public improvement described in ORS 279A.050 [(3)(b)]
13 **(3)(a)**, to the contracting agency or the public. In approving a finding under this paragraph, the
14 Director of the Oregon Department of Administrative Services, the Director of Transportation or the
15 local contract review board shall consider the type, cost and amount of the contract and, to the
16 extent applicable to the particular public improvement contract or class of public improvement
17 contracts, the following:

18 (A) How many persons are available to bid;

19 (B) The construction budget and the projected operating costs for the completed public im-
20 provement;

21 (C) Public benefits that may result from granting the exemption;

22 (D) Whether value engineering techniques may decrease the cost of the public improvement;

23 (E) The cost and availability of specialized expertise that is necessary for the public improve-
24 ment;

25 (F) Any likely increases in public safety;

26 (G) Whether granting the exemption may reduce risks to the contracting agency, the state
27 agency or the public that are related to the public improvement;

28 (H) Whether granting the exemption will affect the sources of funding for the public improve-
29 ment;

30 (I) Whether granting the exemption will better enable the contracting agency to control the
31 impact that market conditions may have on the cost of and time necessary to complete the public
32 improvement;

33 (J) Whether granting the exemption will better enable the contracting agency to address the size
34 and technical complexity of the public improvement;

35 (K) Whether the public improvement involves new construction or renovates or remodels an
36 existing structure;

37 (L) Whether the public improvement will be occupied or unoccupied during construction;

38 (M) Whether the public improvement will require a single phase of construction work or multi-
39 ple phases of construction work to address specific project conditions; and

40 (N) Whether the contracting agency or state agency has, or has retained under contract, and
41 will use contracting agency or state agency personnel, consultants and legal counsel that have
42 necessary expertise and substantial experience in alternative contracting methods to assist in de-
43 veloping the alternative contracting method that the contracting agency or state agency will use to
44 award the public improvement contract and to help negotiate, administer and enforce the terms of
45 the public improvement contract.

1 (c) As an alternative to the finding described in paragraph (b) of this subsection, if a contracting
2 agency or state agency seeks an exemption that would allow the contracting agency or state agency
3 to use an alternative contracting method that the contracting agency or state agency has not pre-
4 viously used, the contracting agency or state agency may make a finding that identifies the project
5 as a pilot project for which the contracting agency or state agency intends to determine whether
6 using the alternative contracting method actually results in substantial cost savings to the con-
7 tracting agency, to the state agency or, if the contract is for a public improvement described in ORS
8 279A.050 [(3)(b)] (3)(a), to the contracting agency or the public. The contracting agency or state
9 agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evalu-
10 ation required under ORS 279C.355.

11 (3) In making findings to support an exemption for a class of public improvement contracts, the
12 contracting agency or state agency shall clearly identify the class using the class's defining char-
13 acteristics. The characteristics must include a combination of project descriptions or locations, time
14 periods, contract values, methods of procurement or other factors that distinguish the limited and
15 related class of public improvement contracts from the agency's overall construction program. The
16 agency may not identify a class solely by funding source, such as a particular bond fund, or by the
17 method of procurement, but shall identify the class using characteristics that reasonably relate to
18 the exemption criteria set forth in subsection (2) of this section.

19 (4) In granting exemptions under subsection (2) of this section, the Director of the Oregon De-
20 partment of Administrative Services, the Director of Transportation or the local contract review
21 board shall:

22 (a) If appropriate, direct the use of alternative contracting methods that take account of market
23 realities and modern practices and are consistent with the public policy of encouraging competition.

24 (b) Require and approve or disapprove written findings by the contracting agency or state
25 agency that support awarding a particular public improvement contract or a class of public im-
26 provement contracts, without the competitive bidding requirement of subsection (1) of this section.
27 The findings must show that the exemption of a contract or class of contracts complies with the
28 requirements of subsection (2) of this section.

29 (c) Require a contracting agency or state agency that procures construction manager/general
30 contractor services to conduct the procurement in accordance with model rules the Attorney Gen-
31 eral adopts under ORS 279A.065 (3).

32 (5)(a) A contracting agency or state agency may hold a public hearing before approving the
33 findings required by subsection (2) of this section and before the Director of the Oregon Department
34 of Administrative Services, the Director of Transportation or the local contract review board grants
35 an exemption from the competitive bidding requirement for a public improvement contract or a class
36 of public improvement contracts.

37 (b) Notification of a proposed exemption under subsection (2) of this section must be published
38 in at least one trade newspaper of general statewide circulation a minimum of 14 days before the
39 date on which the contracting agency intends to take action to approve or disapprove the ex-
40 emption.

41 (c) The notice must state that in response to a written request, the contracting agency or state
42 agency will hold a public hearing for the purpose of taking comments on the draft findings for an
43 exemption from the competitive bidding requirement.

44 (d) If the contracting agency or state agency conducts a public hearing, the contracting agency
45 or state agency shall offer an opportunity for any interested party to appear and comment.

1 (e) If a contracting agency or state agency must act promptly because of circumstances beyond
2 the agency's control that do not constitute an emergency, notification of the proposed exemption
3 may be published simultaneously with the agency's solicitation of contractors for the alternative
4 public contracting method, as long as responses to the solicitation are due at least five days after
5 the agency intends to take action to approve or disapprove the proposed exemption.

6 (6) The purpose of an exemption is to exempt one or more public improvement contracts from
7 competitive bidding requirements. The representations in and the accuracy of the findings, including
8 any general description of the resulting public improvement contract, are the bases for approving
9 the findings and granting the exemption. The findings may describe anticipated features of the re-
10 sulting public improvement contract, but the final parameters of the contract are those character-
11 istics or specifics announced in the solicitation document.

12 (7) A public improvement contract awarded under the competitive bidding requirement of sub-
13 section (1) of this section may be amended only in accordance with rules adopted under ORS
14 279A.065.

15 (8) A public improvement contract that is excepted from the competitive bidding requirement
16 under subsection (1)(a), (c), (d), (e), (f) or (g) of this section is not subject to the exemption require-
17 ments of subsection (2) of this section.

18 **SECTION 115.** ORS 279C.345 is amended to read:

19 279C.345. (1) Specifications for public improvement contracts may not expressly or implicitly
20 require any product by any brand name or mark, nor the product of any particular manufacturer
21 or seller unless the product is exempt under subsection (2) of this section.

22 (2) The Director of the Oregon Department of Administrative Services, a local contract review
23 board or, for contracts described in ORS 279A.050 [(3)(b)] **(3)(a)**, the Director of Transportation may
24 exempt certain products or classes of products from subsection (1) of this section upon any of the
25 following findings:

26 (a) It is unlikely that the exemption will encourage favoritism in the awarding of public im-
27 provement contracts or substantially diminish competition for public improvement contracts;

28 (b) The specification of a product by brand name or mark, or the product of a particular man-
29 ufacturer or seller, would result in substantial cost savings to the contracting agency;

30 (c) There is only one manufacturer or seller of the product of the quality required; or

31 (d) Efficient utilization of existing equipment or supplies requires the acquisition of compatible
32 equipment or supplies.

33 **SECTION 116.** ORS 279C.350 is amended to read:

34 279C.350. (1) Exemptions granted by the Director of the Oregon Department of Administrative
35 Services under ORS 279C.335 (2) or 279C.345 (2) constitute rulemaking and not contested cases un-
36 der ORS chapter 183. However, an exemption granted with regard to a specific public improvement
37 contract by the Director of the Oregon Department of Administrative Services, or an exemption
38 granted by the Director of Transportation with regard to a specific public improvement contract or
39 class of public improvement contracts described in ORS 279A.050 [(3)(b)] **(3)(a)**, shall be granted by
40 order. The order shall set forth findings supporting the decision to grant or deny the request for the
41 exemption. The order is reviewable under ORS 183.484 and does not constitute a contested case
42 order. Jurisdiction for review of the order is with the Circuit Court of Marion County. The court
43 may award costs and attorney fees to the prevailing party.

44 (2) Any person except the contracting agency or anyone representing the contracting agency
45 may bring a petition for a declaratory judgment to test the validity of any rule adopted by the Di-

1 rector of the Oregon Department of Administrative Services under ORS 279C.335 or 279C.345 in the
2 manner provided in ORS 183.400.

3 (3) Any person except the contracting agency or anyone representing the contracting agency
4 may bring an action for writ of review under ORS chapter 34 to test the validity of an exemption
5 granted under ORS 279C.335 or 279C.345 by a local contract review board.

6 **SECTION 117.** ORS 279C.355 is amended to read:

7 279C.355. (1) Upon completion of and final payment for any public improvement contract, or
8 class of public improvement contracts, in excess of \$100,000 for which the contracting agency did
9 not use the competitive bidding process, the contracting agency shall prepare and deliver to the
10 Director of the Oregon Department of Administrative Services, the local contract review board or,
11 for public improvement contracts described in ORS 279A.050 [(3)(b)] **(3)(a)**, the Director of Trans-
12 portation an evaluation of the public improvement contract or the class of public improvement
13 contracts.

14 (2) The evaluation must include but is not limited to the following matters:

15 (a) The actual project cost as compared with original project estimates;

16 (b) The amount of any guaranteed maximum price;

17 (c) The number of project change orders issued by the contracting agency;

18 (d) A narrative description of successes and failures during the design, engineering and con-
19 struction of the project; and

20 (e) An objective assessment of the use of the alternative contracting process as compared to the
21 findings required by ORS 279C.335.

22 (3) The evaluations required by this section:

23 (a) Must be made available for public inspection; and

24 (b) Must be completed within 30 days of the date the contracting agency accepts:

25 (A) The public improvement project; or

26 (B) The last public improvement project if the project falls within a class of public improvement
27 contracts.

28 **SECTION 118.** ORS 279C.360 is amended to read:

29 279C.360. (1) An advertisement for public improvement contracts must be published at least once
30 in at least one newspaper of general circulation in the area where the contract is to be performed
31 and in as many additional issues and publications as the contracting agency may determine. The
32 Director of the Oregon Department of Administrative Services, a local contract review board or, for
33 contracts described in ORS 279A.050 [(3)(b)] **(3)(a)**, the Director of Transportation, by rule or order,
34 may authorize advertisements for public improvement contracts to be published electronically in-
35 stead of in a newspaper of general circulation if the director or board determines that electronic
36 advertisements are likely to be cost-effective. If the public improvement contract has an estimated
37 cost in excess of \$125,000, the advertisement must be published in at least one trade newspaper of
38 general statewide circulation. The Director of the Oregon Department of Administrative Services,
39 the Director of Transportation or the local contract review board may, by rule or order, require an
40 advertisement to be published more than once or in one or more additional publications.

41 (2) All advertisements for public improvement contracts must state:

42 (a) The public improvement project;

43 (b) The office where the specifications for the project may be reviewed;

44 (c) The date that prequalification applications must be filed under ORS 279C.430 and the class
45 or classes of work for which bidders must be prequalified if prequalification is a requirement;

1 (d) The date and time after which bids will not be received, which must be at least five days
 2 after the date of the last publication of the advertisement;

3 (e) The name and title of the person designated for receipt of bids;

4 (f) The date, time and place that the contracting agency will publicly open the bids; and

5 (g) If the contract is for a public works subject to ORS 279C.800 to 279C.870 or the Davis-Bacon
 6 Act (40 U.S.C. 3141 et seq.).

7 **SECTION 119.** ORS 279C.390 is amended to read:

8 279C.390. (1) Subject to the provisions of subsection (2) of this section, the Director of the
 9 Oregon Department of Administrative Services, a state contracting agency with procurement au-
 10 thority under ORS 279A.050, a local contract review board or, for contracts described in ORS
 11 279A.050 [(3)(b)] **(3)(a)**, the Director of Transportation may exempt certain contracts or classes of
 12 contracts from all or a portion of the requirement for bid security and from all or a portion of the
 13 requirement that good and sufficient bonds be furnished to ensure performance of the contract and
 14 payment of obligations incurred in the performance.

15 (2) The contracting agency may require bid security and a good and sufficient performance bond,
 16 a good and sufficient payment bond, or any combination of such bonds, even though the public im-
 17 provement contract is of a class exempted under subsection (1) of this section.

18 (3) The Director of Transportation may:

19 (a) Exempt contracts or classes of contracts financed from the proceeds of bonds issued under
 20 ORS 367.620 (3)(a) from the requirement for bid security and from the requirement that a good and
 21 sufficient bond be furnished to ensure performance of the contract; or

22 (b) Reduce the amount of the required performance bond for contracts or classes of contracts
 23 financed from the proceeds of the bonds issued under ORS 367.620 (3)(a) to less than 100 percent
 24 of the contract price.

25 (4) Any recoverable damages that exceed the amount of the performance bond required under
 26 subsection (3) of this section shall be the sole responsibility of the Department of Transportation.

27 **SECTION 120.** ORS 291.407 is amended to read:

28 291.407. (1) The Mass Transit Assistance Account is established in the General Fund of the State
 29 Treasury. The account shall consist of moneys deposited in the account under ORS 291.405 and as
 30 otherwise provided by law. The moneys in the account are continuously appropriated to the Oregon
 31 Department of Administrative Services to be used as provided in this section.

32 (2) The Oregon Department of Administrative Services shall distribute moneys from the account
 33 established under this section to districts described in ORS 291.405 on the last day of each calendar
 34 quarter. Subject to the limitations in this section, the amount distributed to each district shall be
 35 equal to the total assessments received by the department during the immediate preceding three
 36 months under ORS 291.405 from agencies with employees performing subject services within that
 37 district.

38 (3) Distributions under this section are subject to the following limitations:

39 (a) Except for newly formed districts, the Oregon Department of Administrative Services shall
 40 not distribute to a district during a calendar year an amount that exceeds the amount received by
 41 the district under the district's own taxes during the immediate preceding fiscal year of the district.

42 (b) The Oregon Department of Administrative Services shall not distribute to a newly formed
 43 district during a calendar year an amount that exceeds the amount the budget approved by the
 44 district board proposes as revenue for the district from the district's own taxes during the current
 45 fiscal year of the district. If the district does not collect the proposed amount, the department shall

1 make adjustments in the distributions during subsequent years to recover any amount paid under
2 this section that is over the amount the district actually received under the district's own taxes.

3 (4) The limitations imposed under this section that are based on amounts received by a district
4 under its own taxes do not include amounts received by the district from farebox revenues, federal
5 moneys, state moneys, gifts, investments, bonds or similar moneys received by the district.

6 (5) The [*Department of Transportation*] **Oregon Rail and Transit Department** shall provide the
7 Oregon Department of Administrative Services with any information concerning a mass transit dis-
8 trict or transportation district that the Oregon Department of Administrative Services determines
9 necessary for the performance of its duties under this section and ORS 291.405. The [*Department of*
10 *Transportation*] **Oregon Rail and Transit Department** shall provide the information in the form
11 and at times determined by the Oregon Department of Administrative Services.

12 (6) In exchange for payments authorized under this section to transit districts, the State of
13 Oregon and its agencies shall be exempt, with respect to existing state buildings and newly con-
14 structed, acquired or renovated state buildings, from any parking code requirements that have been
15 or may be established by any political subdivision within the boundaries of a transit district re-
16 ceiving such payments.

17 (7) As used in this section, "state buildings" includes office buildings as defined in ORS 276.110.

18 **SECTION 121.** ORS 315.593 is amended to read:

19 315.593. (1) A credit against taxes imposed by ORS chapter 316 (or, if the taxpayer is a corpo-
20 ration, under ORS chapter 317 or 318) is allowed to a taxpayer, based upon short line railroad re-
21 habilitation project costs actually paid or incurred by the taxpayer during the tax year for which
22 the credit is claimed.

23 (2) The credit allowed under this section shall be the lesser of:

24 (a) \$3,500 multiplied by the number of miles of short line railroad track the taxpayer owns or
25 leases in this state on the day the short line railroad rehabilitation project is completed; or

26 (b) Fifty percent of the short line railroad rehabilitation project costs paid or incurred by the
27 taxpayer during the tax year in which the credit is claimed.

28 (3) For the credit to be allowed under this section:

29 (a) The infrastructure must be located in Oregon; and

30 (b) The taxpayer must:

31 (A) Own or lease the infrastructure;

32 (B) Be a short line railroad; and

33 (C) Receive a final written certification from the [*Department of Transportation*] **Oregon Rail**
34 **and Transit Department** before claiming the credit.

35 (4) A credit under this section is not allowed for:

36 (a) Costs that are funded by or used to qualify for any state or federal grants.

37 (b) The amount that is equal to the greater of:

38 (A) Costs that are used to claim a federal tax credit under section 45G of the Internal Revenue
39 Code; or

40 (B) The credit limitation set out in section 45G(b)(1) of the Internal Revenue Code, as applied
41 to the taxpayer's miles of short line railroad track in this state.

42 (5) The amount of the credit claimed under this section for any one tax year may not exceed the
43 tax liability of the taxpayer.

44 (6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a
45 particular tax year may be carried forward and offset against the taxpayer's tax liability for the next

1 succeeding tax year. Any credit remaining unused in that next succeeding tax year may be carried
2 forward and used in the second succeeding tax year, and likewise, any credit not used in that second
3 succeeding tax year may be carried forward and used in the third succeeding tax year, and likewise,
4 any credit not used in that third succeeding tax year may be carried forward and used in the fourth
5 succeeding tax year, and likewise, any credit not used in that fourth succeeding tax year may be
6 carried forward and used in the fifth succeeding tax year but may not be carried forward for any
7 tax year thereafter.

8 (7) The credit allowed under this section is not in lieu of any depreciation or amortization de-
9 duction for the short line railroad rehabilitation project to which the taxpayer otherwise may be
10 entitled for purposes of ORS chapter 316, 317 or 318 for the tax year.

11 (8) The taxpayer's adjusted basis for determining gain or loss may not be decreased by any tax
12 credit allowed under this section.

13 (9) The credit shall be claimed on a form prescribed by the Department of Revenue that contains
14 the information required by the department.

15 (10) In the case of a credit allowed under this section:

16 (a) A nonresident shall be allowed the credit under this section in the proportion provided in
17 ORS 316.117.

18 (b) If a change in the status of a taxpayer from resident to nonresident or from nonresident to
19 resident occurs, the credit allowed by this section shall be determined in a manner consistent with
20 ORS 316.117.

21 (c) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the
22 Department of Revenue terminates a taxpayer's taxable year under ORS 314.440, the credit allowed
23 under this section shall be prorated or computed in a manner consistent with ORS 314.085.

24 (11) A person that has earned a tax credit under this section may transfer the credit to a tax-
25 payer subject to tax under ORS chapter 316, 317 or 318. The transfer must comply with ORS 315.056.

26 (12) The [*Director of Transportation*] **Director of the Oregon Rail and Transit Department**
27 may order the suspension or revocation of a certification issued under this section, as provided in
28 ORS 315.061.

29 **SECTION 122.** ORS 315.595 is amended to read:

30 315.595. (1) Prior to construction of a short line railroad rehabilitation project, a taxpayer may
31 apply to the [*Department of Transportation*] **Oregon Rail and Transit Department** for preliminary
32 certification of the project in the manner prescribed by rules adopted under this section, which must
33 include:

34 (a) Timelines and deadlines for submission of application materials;

35 (b) A description of the information required by the department to determine that the taxpayer
36 qualifies for the credit allowed under ORS 315.593;

37 (c) Criteria for determining the amount of the tax credit allowed under ORS 315.593, including
38 standards for what constitutes completion of a short line railroad rehabilitation project;

39 (d) The process by which an applicant will be notified of an incomplete application and the time
40 allowed for the applicant to provide the missing information; and

41 (e) The month and date by which the department must notify an applicant of the preliminary
42 certification decision and the potential amount of the tax credit for which the applicant has received
43 preliminary certification.

44 (2)(a) If the total amount of potential tax credits allowed under ORS 315.593 for all taxpayers
45 that have applied for preliminary certification would exceed the limit in ORS 315.603, the depart-

1 ment shall allocate the tax credits allowed under ORS 315.593 so that no railroad is allowed more
2 than \$400,000 for any tax year.

3 (b) After applying the limitation in paragraph (a) of this subsection, if the total amount of po-
4 tential tax credits allowed under ORS 315.593 for all taxpayers that have applied for preliminary
5 certification exceeds the limit in ORS 315.603, the department shall allocate the available amount
6 among taxpayers proportionally, based on the amount each taxpayer would have otherwise received
7 under ORS 315.593.

8 **SECTION 123.** ORS 315.597 is amended to read:

9 315.597. (1) A taxpayer may apply to the [*Department of Transportation*] **Oregon Rail and**
10 **Transit Department** for final certification of a short line railroad rehabilitation project if:

11 (a) The taxpayer received preliminary certification for the project under ORS 315.595; and

12 (b) The project is completed.

13 (2) After approving the application, the department shall certify the project, including the
14 amount of the tax credit for which the taxpayer has received final certification. The department may
15 not certify an amount that is more than the amount approved in the preliminary certification for the
16 project.

17 (3) The department may establish by rule a process for accepting applications and issuing final
18 certifications under this section.

19 **SECTION 124.** ORS 315.599 is amended to read:

20 315.599. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** may
21 charge and collect a fee from taxpayers for preliminary or final certification of short line rehabili-
22 tation projects under ORS 315.595 and 315.597. The fee may not exceed the cost to the department
23 of issuing certifications.

24 (2) All fees collected under this section shall be deposited in the State Treasury to the credit
25 of the Railroad Fund established under ORS 824.014. Moneys deposited under this section are con-
26 tinuously appropriated to the [*Department of Transportation*] **Oregon Rail and Transit Department**
27 for the purpose of administering and enforcing the provisions of ORS 315.591 to 315.603.

28 **SECTION 125.** ORS 323.455 is amended to read:

29 323.455. (1) All moneys received by the Department of Revenue from the tax imposed by ORS
30 323.030 (1) shall be paid over to the State Treasurer to be held in a suspense account established
31 under ORS 293.445. The department may pay expenses for administration and enforcement of ORS
32 323.005 to 323.482 out of moneys received from the tax imposed under ORS 323.030 (1), after all
33 amounts available under ORS 323.459 for expenses for administration and enforcement of ORS
34 323.005 to 323.482 have been used. Amounts necessary to pay administrative and enforcement ex-
35 penses are continuously appropriated to the department from the suspense account. After the pay-
36 ment of administrative and enforcement expenses and refunds, 89.65 percent shall be credited to the
37 General Fund, 3.45 percent is appropriated to the cities of this state, 3.45 percent is appropriated
38 to the counties of this state and 3.45 percent is continuously appropriated to the [*Department of*
39 *Transportation*] **Oregon Rail and Transit Department** for the purpose of financing and improving
40 transportation services for older adults and individuals with disabilities.

41 (2) The moneys appropriated to cities and counties under subsection (1) of this section shall be
42 paid on a monthly basis within 35 days after the end of the month for which a distribution is made.
43 Each city shall receive such share of the money appropriated to all cities as its population, as de-
44 termined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the total popu-
45 lation of the cities of the state, and each county shall receive such share of the money as its

1 population, determined under ORS 190.510 to 190.590 last preceding such apportionment, bears to the
2 total population of the state.

3 (3) The moneys appropriated to the [*Department of Transportation*] **Oregon Rail and Transit**
4 **Department** under subsection (1) of this section shall be distributed and transferred to the State-
5 wide Transportation Improvement Fund established in ORS 184.751 at the same time as the cigarette
6 tax moneys are distributed to cities and counties under this section.

7 (4) Of the moneys credited to the General Fund under subsection (1) of this section, 51.92 per-
8 cent shall be dedicated to funding the maintenance and expansion of the number of persons eligible
9 for the medical assistance program under ORS chapter 414, or to funding the maintenance of the
10 benefits available under the program, or both, and 5.77 percent shall be credited to the Tobacco Use
11 Reduction Account established under ORS 431A.153.

12 (5) All moneys received by the Department of Revenue from the tax imposed by ORS 323.030 (4)
13 shall be paid over to the State Treasurer to be held in a suspense account established under ORS
14 293.445. After the payment of refunds, the balance shall be credited to the Oregon Health Authority
15 Fund established by ORS 413.101 and shall be used to provide the services described in ORS 430.630.

16 **SECTION 126.** ORS 323.457 is amended to read:

17 323.457. (1) Moneys received under ORS 323.031 (1) shall be paid over to the State Treasurer to
18 be held in a suspense account established under ORS 293.445. After the payment of refunds:

19 (a) 29.37/30 of the moneys shall be credited to the Oregon Health Authority Fund established
20 under ORS 413.101;

21 (b) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-
22 trative Services for distribution to the cities of this state;

23 (c) 0.14/30 of the moneys are continuously appropriated to the Oregon Department of Adminis-
24 trative Services for distribution to the counties of this state;

25 (d) 0.14/30 of the moneys are continuously appropriated to the [*Department of Transportation*]
26 **Oregon Rail and Transit Department** to be distributed and transferred to the Statewide Trans-
27 portation Improvement Fund established in ORS 184.751; and

28 (e) 0.21/30 of the moneys shall be credited to the Tobacco Use Reduction Account established
29 under ORS 431A.153.

30 (2)(a) Moneys distributed to cities and counties under this section shall be distributed to each
31 city or county using the proportions used for distributions made under ORS 323.455.

32 (b) Moneys shall be distributed to cities, counties and the Statewide Transportation Improve-
33 ment Fund at the same time moneys are distributed to cities, counties and the Statewide Transpor-
34 tation Improvement Fund under ORS 323.455.

35 **SECTION 127.** ORS 332.427 is amended to read:

36 332.427. (1) A district school board may enter into contracts whereby motor vehicles operated
37 by, or under lease with, the district for transportation of school children may be leased or otherwise
38 made available to qualified persons or agencies, public or private, or may use such motor vehicles,
39 as agreed upon by the [*Department of Transportation*] **Oregon Rail and Transit Department**, for
40 public transportation purposes, subject to such terms and conditions as the district school board
41 considers consistent with district use of such vehicles.

42 (2) Transportation provided pursuant to subsection (1) of this section shall only serve points
43 along a route where the transportation provided will not be in competition with any passenger
44 carrier operated under provisions of ORS chapter 825 or with any mass transit district organized
45 under ORS chapter 267.

1 (3) Motor vehicles used for public transportation purposes pursuant to this section shall not be
2 subject to ORS chapter 825.

3 (4) Only those vehicles operated by the district that comply with rules adopted by the State
4 Board of Education under ORS 820.100 and 820.120, relating to standards of vehicle construction and
5 equipment may be used for public transportation purposes. Drivers of the vehicles shall be at least
6 18 years of age and shall comply with rules adopted by the State Board of Education under ORS
7 820.110, relating to qualifications of school bus drivers.

8 (5) Nothing in this section shall limit the use of school buses for the transportation of nonstu-
9 dents to or from school activities whether a fee is charged or not.

10 **SECTION 128.** ORS 367.067 is amended to read:

11 367.067. (1) The Short Line Credit Premium Account is established as an account in the Oregon
12 Transportation Infrastructure Fund. Moneys in the Short Line Credit Premium Account are contin-
13 uously appropriated to the [*Department of Transportation*] **Oregon Rail and Transit Department**
14 for the purpose of carrying out the provisions of this section.

15 (2) A short line railroad may apply to the [*Department of Transportation*] **Oregon Rail and**
16 **Transit Department** for infrastructure assistance in a manner determined by the department by
17 rule.

18 (3) In evaluating applications for infrastructure assistance under this section, the department
19 shall give priority to projects that:

20 (a) Enhance public safety;

21 (b) Enhance the environment;

22 (c) Appear creditworthy, providing financially secure sources of repayment to secure a federal
23 credit instrument;

24 (d) Promote rural economic development;

25 (e) Reduce demand for expansion of highway capacity;

26 (f) Enable Oregon companies to be more competitive in regional, national and international
27 markets;

28 (g) Preserve or enhance rail or intermodal service to small communities or rural areas; and

29 (h) Will be operated by a short line railroad with federal credit assistance under the RRIFP.

30 (4) If a short line railroad receives infrastructure assistance under this section for a project for
31 which federal credit assistance was received under RRIFP, and if all or part of the credit premium
32 is returned to the railroad by the federal government, the railroad shall remit to the department the
33 amount of moneys returned to the railroad.

34 (5) All moneys remitted to the department under subsection (4) of this section shall be deposited
35 by the department into the Short Line Credit Premium Account.

36 **SECTION 129.** ORS 367.070 is amended to read:

37 367.070. The Industrial Rail Spur Fund is established separate and distinct from the General
38 Fund. The moneys in the Industrial Rail Spur Fund and the interest earnings of the fund are con-
39 tinuously appropriated to the [*Department of Transportation*] **Oregon Rail and Transit Department**
40 for the purpose of financing grants and loans to fund industrial rail spurs. The fund consists of
41 moneys deposited in the fund under section 10, chapter 741, Oregon Laws 2003, and may include
42 fees, moneys, federal funds, Miscellaneous Receipts or other revenues available for the purpose.

43 **SECTION 130.** ORS 367.084 is amended to read:

44 367.084. (1) The Oregon Transportation Commission shall select transportation projects to be
45 funded with moneys in the Connect Oregon Fund established under ORS 367.080.

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

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

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

7 (d) Prior to selecting rail projects, the commission shall solicit recommendations from the [*rail*
8 *advisory committee*] **State Rail and Transit Board**.

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

11 (3) In selecting transportation projects, the commission shall consider:

12 (a) Whether a proposed transportation project reduces transportation costs for Oregon busi-
13 nesses or improves access to jobs and sources of labor;

14 (b) Whether a proposed transportation project results in an economic benefit to this state;

15 (c) Whether a proposed transportation project is a critical link connecting elements of Oregon's
16 transportation system that will measurably improve utilization and efficiency of the system;

17 (d) How much of the cost of a proposed transportation project can be borne by the applicant for
18 the grant from any source other than the Connect Oregon Fund;

19 (e) Whether a proposed transportation project is ready for construction;

20 (f) Whether a proposed transportation project has a useful life expectancy that offers maximum
21 benefit to the state; and

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

24 (4) To promote fairness in the selection process, the Director of Transportation may not choose
25 a member of a final review committee:

26 (a) Who represents an entity that submitted an application for a Connect Oregon Fund grant
27 that is being considered for funding by a final review committee; or

28 (b) Has a direct financial interest in an application that is being considered for funding by a
29 final review committee.

30 **SECTION 131.** ORS 374.020 is amended to read:

31 374.020. No throughway shall be established upon or across the tracks, yards, station grounds
32 or other operating properties of any common carrier railroad, or upon or across any industrial or
33 business property served by railroad industrial trackage, or upon or across any property at such a
34 location as to unduly interfere with the reasonable access of shippers, passengers or the public to
35 railroad depots, team tracks or other facilities for receiving or delivering freight or passengers
36 transported by railroad unless the [*Department of Transportation*] **Oregon Rail and Transit De-**
37 **partment** and the railroad agree on a proposed throughway project.

38 **SECTION 132.** ORS 390.308 is amended to read:

39 390.308. (1) The State Parks and Recreation Department shall, in cooperation with the Depart-
40 ment of Transportation, **the Oregon Rail and Transit Department**, other interested state agencies,
41 local governments, nonprofit organizations and other stakeholders, develop an action plan to com-
42 plete the Oregon Coast Trail. The plan shall identify and address:

43 (a) A preferred option for the development, maintenance and operation of each new trail seg-
44 ment intended to address a gap in the trail system, including the costs associated with the devel-
45 opment, maintenance and operation, that:

1 (A) Takes into account the existing uses of the land where trail segments are to be constructed,
2 including public highway right-of-way, private or public ownership and active rail use;

3 (B) Ensures that the designation of trail segments will not conflict with surrounding private
4 property rights, including rights of way and easements; and

5 (C) Takes into account the concerns of the public and other interested parties;

6 (b) Prioritization of new trail segment construction based on resulting improved safety,
7 immediacy of implementation, potential project sponsors and sources of funding;

8 (c) Potential sources of funding for implementation of the plan, including but not limited to
9 federal, state and private sources; and

10 (d) Options for designation of final state agency or other responsible entities for the develop-
11 ment, maintenance and operation of the trail and trail facilities as identified in the plan.

12 (2) The State Parks and Recreation Department may coordinate with nonprofit organizations to
13 raise funds and to develop, maintain and operate the trail and trail facilities as necessary to imple-
14 ment the plan.

15 (3) The State Parks and Recreation Department shall submit an annual report to the Legislative
16 Assembly on the progress made toward developing and implementing the plan required by this sec-
17 tion.

18 **SECTION 133.** ORS 391.120 is amended to read:

19 391.120. (1) The Regional Light Rail Extension Construction Fund, separate and distinct from the
20 General Fund, is established in the State Treasury. All moneys in the fund are appropriated con-
21 tinuously to the [*Department of Transportation*] **Oregon Rail and Transit Department** for the
22 purposes specified in this section. Interest received on moneys credited to the Regional Light Rail
23 Extension Construction Fund shall accrue to and become part of the Regional Light Rail Extension
24 Construction Fund.

25 (2) The [*Department of Transportation*] **Oregon Rail and Transit Department** may expend
26 moneys in the Regional Light Rail Extension Construction Fund to finance the preliminary engi-
27 neering phase, final design phase, advanced right of way acquisition phase or construction and ac-
28 quisition of equipment and facilities phase of projects for extensions to the Tri-County Metropolitan
29 Transportation District's light rail system, as designated in the Regional Transportation Plan
30 adopted by the metropolitan service district in 1989, as amended from time to time. The [*Director*
31 *of Transportation*] **Director of the Oregon Rail and Transit Department** may enter into written
32 agreements with the Tri-County Metropolitan Transportation District that commit the department
33 to pay anticipated funds from the Regional Light Rail Extension Construction Fund to the district
34 for the purpose of financing such costs of extending the district's light rail system, including ser-
35 vicing any obligations entered into by the district to finance the costs of extending the district's
36 light rail system, which written agreements may provide for the remittance of such funds on such
37 periodic basis, in such amounts, over such period of years and with such priority over other com-
38 mitments of such funds as the director shall specify in the commitment. Any such written agree-
39 ments or commitments, when executed by the director and accepted by the district, shall be solely
40 conditioned upon actual funds available in the Regional Light Rail Extension Construction Fund and
41 shall be valid, binding and irrevocable in accordance with its terms, subject only to the requirements
42 of subsection (3) of this section. The extensions to the light rail system for which projects may be
43 authorized and financed from the Regional Light Rail Extension Construction Fund include:

44 (a) The Westside corridor.

45 (b) The Interstate 5 North corridor.

1 (c) The Interstate 205 corridor.

2 (d) The Milwaukie corridor.

3 (e) The Barbur corridor.

4 (f) The Lake Oswego corridor.

5 (g) Appropriate branches to the Banfield corridor.

6 (h) Appropriate branches to the corridors specified in paragraphs (a) to (f) of this subsection.

7 (3) Notwithstanding any written agreement entered into by the director [*of Transportation*] un-
8 der subsection (2) of this section, no moneys shall be expended from the Regional Light Rail Ex-
9 tension Construction Fund for the preliminary engineering phase, final design phase, advanced right
10 of way acquisition phase or construction and acquisition phase of projects unless the director [*of*
11 *Transportation*] determines:

12 (a) That all state and local approvals are in place for the phase of the specific project for which
13 funding is being sought;

14 (b) That assurances are in place for obtaining all moneys, other than moneys for which the de-
15 termination is being made, necessary to enable completion of the phase of the specific project for
16 which funding is being sought and that the Tri-County Metropolitan Transportation District has
17 agreed to provide an amount of money equal to that being provided by the Regional Light Rail Ex-
18 tension Construction Fund for the phase of the specific project for which money is being sought;

19 (c) With respect to the phase of the specific project for which funding is being sought, that the
20 body of local officials and state agency representatives designated by the metropolitan service dis-
21 trict which functions wholly or partially within the Tri-County Metropolitan Transportation District
22 and known as the Joint Policy Advisory Committee on Transportation has certified that the phase
23 of the specific project is a regional priority; and

24 (d) With respect to construction phases of any project, the elements of the project that are
25 designated for state participation and an estimated total amount of the state's funding obligation.

26 (4) When the actual expenditures for a phase of a specific light rail project fall short of the es-
27 timated expenditures for the project, those moneys, other than federal moneys, that are not required
28 for that phase of the project shall remain in the Regional Light Rail Extension Construction Fund
29 for use in completing other projects described in subsection (2) of this section.

30 (5) On or before August 31 in each year, the director [*of Transportation*] shall certify to the
31 Governor and the State Treasurer whether or not there existed, as of the end of the immediately
32 preceding fiscal year, an unobligated balance of moneys in the Regional Light Rail Extension Con-
33 struction Fund that was derived from the moneys required to be transferred to the Regional Light
34 Rail Extension Construction Fund under ORS 391.130. If the director [*of Transportation*] certifies
35 that there existed such an unobligated balance of moneys derived from the moneys required to be
36 transferred to the Regional Light Rail Extension Construction Fund under ORS 391.130, an amount
37 equal to the unobligated balance as of the end of the immediately preceding fiscal year shall revert
38 to the Administrative Services Economic Development Fund created by ORS 461.540, and the State
39 Treasurer shall credit such amount to that fund on or before the September 15 next following the
40 date of the certification by the director [*of Transportation*].

41 (6) The director [*of Transportation*] shall certify the unobligated balance of the Regional Light
42 Rail Extension Construction Fund, and that unobligated balance shall revert to the Administrative
43 Services Economic Development Fund created by ORS 461.540 if the director [*of Transportation*]
44 determines that all projects referred to in subsection (2) of this section have been completed and the
45 projects have been accepted by the director [*of Transportation*] and all claims, suits and actions

1 arising out of the projects have been resolved.

2 (7) For purposes of subsections (5) and (6) of this section, moneys in the Regional Light Rail
3 Extension Construction Fund derived from the moneys required to be transferred to the Regional
4 Light Rail Extension Construction Fund under ORS 391.130 shall be obligated to the extent such
5 moneys are needed to fund the amounts committed to be paid in the current or any future fiscal year
6 under any written agreement or commitment entered into by the director [*of Transportation*] under
7 subsection (2) of this section or to pay any amounts owing under or with respect to any revenue
8 bonds issued under ORS 391.140.

9 (8) The [*Department of Transportation*] **Oregon Rail and Transit Department** may deduct from
10 the Regional Light Rail Extension Construction Fund the costs associated with administering the
11 fund.

12 **SECTION 134.** ORS 391.125 is amended to read:

13 391.125. (1) The Regional Light Rail Extension Bond Account is created as a separate and dis-
14 tinct subaccount in the Regional Light Rail Extension Construction Fund. In each fiscal year in
15 which any amounts of principal or interest are due and payable on any revenue bonds issued under
16 ORS 391.140, the [*Director of Transportation*] **Director of the Oregon Rail and Transit Depart-**
17 **ment** shall cause to be transferred from the Regional Light Rail Extension Construction Fund to the
18 Regional Light Rail Extension Bond Account an amount, which, when added to the moneys on de-
19 posit in the account that are available to be used for such purpose, shall be sufficient to pay when
20 due all amounts of principal and interest coming due on such bonds in that fiscal year.

21 (2) All moneys on deposit from time to time in the Regional Light Rail Extension Bond Account,
22 together with all investment earnings thereon, shall be pledged and are continuously appropriated
23 to the payment of the bonds issued under ORS 391.140. All investment earnings on moneys on de-
24 posit from time to time in the Regional Light Rail Extension Bond Account shall be retained in that
25 account and applied to pay the principal of and interest on bonds issued under ORS 391.140.

26 **SECTION 135.** ORS 391.130 is amended to read:

27 391.130. (1) In each fiscal year beginning with the fiscal year commencing July 1, 1991, there is
28 allocated, from the Administrative Services Economic Development Fund created by ORS 461.540,
29 the amount of \$8 million. However, commencing with the first fiscal year next following the fiscal
30 year in which bonds are first issued under ORS 391.140, there shall be allocated from such fund the
31 amount of \$10 million in each fiscal year. In each fiscal year after bonds are first issued, the [*Di-*
32 *rector of Transportation*] **Director of the Oregon Rail and Transit Department** shall certify any
33 funds allotted in excess of amounts necessary to pay the annual debt service on the outstanding
34 bonds and to fund the amounts committed to be paid in the current or any future fiscal year under
35 any written agreement or commitment entered into by the director [*of Transportation*] pursuant to
36 ORS 391.120 (2). The certified amount shall immediately be returned to the Administrative Services
37 Economic Development Fund. All amounts allocated under this section shall be transferred to the
38 Regional Light Rail Extension Construction Fund established by ORS 391.120.

39 (2) The annual amounts required to be transferred to the Regional Light Rail Extension Con-
40 struction Fund under subsection (1) of this section, together with all investment earnings on the
41 amounts on deposit from time to time in the Regional Light Rail Extension Construction Fund, are
42 continuously appropriated only for the purposes of:

43 (a) Funding the Westside corridor extension of light rail referred to in ORS 391.120; and

44 (b) Paying the principal and interest on revenue bonds issued under ORS 391.140.

45 (3) Except as provided in subsection (4) of this section, and notwithstanding any other provision

1 of law, the annual allocation made by this section shall be satisfied and credited as and when net
 2 proceeds from the operation of the state lottery are received and before any other allocation, ap-
 3 propriation or disbursement of the net proceeds from the operation of the state lottery is made in
 4 the applicable fiscal year.

5 (4) For purposes of this section, net proceeds from the operation of the state lottery in each
 6 fiscal year include all revenues derived from the operation of the state lottery in each fiscal year
 7 less:

8 (a) The revenues used in that fiscal year for the payment of prizes and the expenses of the state
 9 lottery as provided in Article XV, section 4 (4)(d), of the Oregon Constitution, ORS 461.500 and
 10 461.510 (3) and (4); and

11 (b) The revenues required to be applied, distributed or allocated as provided in ORS 461.543.

12 (5) The transfer of moneys to the Regional Light Rail Extension Construction Fund authorized
 13 by this section shall cease when the director [*of Transportation*] certifies in writing that transfers
 14 of moneys under this section are no longer necessary because:

15 (a) Moneys in the Regional Light Rail Extension Construction Fund are sufficient for the pay-
 16 ment of all amounts committed to be paid under all written agreements or commitments entered into
 17 between the director [*of Transportation*] and the Tri-County Metropolitan Transportation District
 18 pursuant to ORS 391.120 with respect to the Westside corridor extension of light rail referred to in
 19 ORS 391.120 (2)(a), and to pay all amounts of principal of and interest on the outstanding revenue
 20 bonds issued under ORS 391.140; and

21 (b) The Westside corridor extension of light rail referred to in ORS 391.120 (2)(a) has been
 22 completed and such project has been accepted by the [*Department of Transportation*] **Oregon Rail**
 23 **and Transit Department**, and all claims, suits and actions arising out of such project that could
 24 create a liability payable out of the moneys in the Regional Light Rail Extension Construction Fund
 25 have been resolved.

26 (6) The director [*of Transportation*] shall deliver a copy of such certification to the Governor
 27 and the State Treasurer. Upon receipt of the director's written certification that transfer of moneys
 28 to the Regional Light Rail Extension Construction Fund under this section is no longer necessary,
 29 the State Treasurer shall thereafter credit moneys received by the Regional Light Rail Extension
 30 Construction Fund under this section to the Administrative Services Economic Development Fund
 31 created by ORS 461.540.

32 **SECTION 136.** ORS 391.140 is amended to read:

33 391.140. (1) In accordance with ORS chapter 286A, the State Treasurer, at the request of the
 34 [*Director of Transportation*] **Director of the Oregon Rail and Transit Department**, shall issue
 35 revenue bonds from time to time in an aggregate amount not to exceed:

36 (a) The principal sum of \$115 million;

37 (b) The costs incurred in connection with the issuance of the bonds and other administrative
 38 expenses of the State Treasurer in connection with the issuance of the bonds; and

39 (c) The amount of any reserves determined to be necessary or advantageous in connection with
 40 the revenue bonds.

41 (2) The director [*of Transportation*] shall submit to the State Treasurer from time to time written
 42 requests to issue the revenue bonds in amounts sufficient to provide in a timely fashion the moneys
 43 required to fund the obligations of the [*Department of Transportation*] **Oregon Rail and Transit**
 44 **Department** under any written agreements or commitments entered into under ORS 391.120 (2) for
 45 the purpose of financing the state share of the costs of the Westside corridor light rail project

1 identified in ORS 391.120 (2)(a).

2 (3) Moneys received from the issuance of revenue bonds, including any investment earnings
3 thereon, may be expended only for the purpose of financing the costs of development, acquisition
4 and construction of the Westside corridor light rail project identified in ORS 391.120 (2)(a), and to
5 pay the costs of issuing the bonds and other administrative expenses of the State Treasurer in car-
6 rying out the provisions of ORS 391.120 and this section, including the funding of any reserves de-
7 termined to be necessary or advantageous in connection with the revenue bonds.

8 (4) Notwithstanding ORS 286A.100, 286A.102 and 286A.120 or any other provision of law, re-
9 venue bonds issued under this section, regardless of whether issued in one or more issues, shall be
10 secured equally and ratably by the pledge of moneys described in this subsection and ORS 391.130.
11 The bonds shall be secured by a pledge of, and a lien on, and shall be secured and payable only from,
12 moneys on deposit from time to time in the Regional Light Rail Extension Construction Fund es-
13 tablished by ORS 391.120. The revenue bonds shall not be a general obligation of this state, and
14 shall not be secured by or payable from any funds or assets of this state other than the moneys on
15 deposit from time to time in the Regional Light Rail Extension Construction Fund.

16 (5) The moneys in the Regional Light Rail Extension Bond Account shall be used and applied
17 by the director [*of Transportation*] to pay when due the principal of and interest on any revenue
18 bonds issued under this section.

19 (6) The interest on all revenue bonds issued under this section and on any refunding bonds is-
20 sued pursuant to ORS chapter 286A is exempt from personal income taxation imposed by this state
21 under ORS chapter 316.

22 (7) The proceeds derived from the issuance and sale of the revenue bonds, including any pro-
23 ceeds required to fund any reserves determined to be necessary or advantageous in connection with
24 the revenue bonds, shall be deposited in a special, segregated subaccount of the Regional Light Rail
25 Extension Construction Fund. The moneys on deposit from time to time in the subaccount, including
26 any investment earnings thereon, shall be disbursed as needed for the purposes described in sub-
27 section (3) of this section upon the written request of the director [*of Transportation*].

28 **SECTION 137.** ORS 391.150 is amended to read:

29 391.150. (1) The [*Department of Transportation*] **Oregon Rail and Transit Department** and the
30 Tri-County Metropolitan Transportation District shall jointly manage the construction phases of the
31 Westside corridor light rail project. The final project management plans of the managing agencies
32 shall provide that the district shall manage and oversee construction of the light rail right of way
33 and facilities and that the department shall manage and oversee the construction of highway im-
34 provements related to the extension of the light rail system. The department and the district shall
35 describe in a memorandum of understanding or grant agreement the functions and responsibilities
36 assigned to each of the managing agencies and shall establish an organizational and management
37 system for the project under which significant actions during the construction phase occur only with
38 the knowledge of both of the managing agencies.

39 (2) Subject to ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C and any applicable
40 prohibitions against preferences in contracts related to the construction phase of the Westside cor-
41 ridor light rail project, the managing agencies shall develop procedures that afford qualified busi-
42 nesses in Oregon the opportunity to compete for project contracts to the maximum extent feasible
43 and consistent with federal laws and regulations governing Federal Transit Administration grants.

44 (3) The managing agencies shall seek the cooperation and assistance of contracting and con-
45 struction associations in this state when establishing the contracting procedures for the Westside

1 corridor light rail project. The managing agencies shall also establish and implement programs to
2 provide contracting and construction businesses with information relating to the project.

3 (4) The managing agencies, to the maximum extent feasible, shall encourage disadvantaged
4 business enterprises to bid for contracts and to otherwise participate in the Westside corridor light
5 rail project.

6 **SECTION 138.** ORS 391.605 is amended to read:

7 391.605. (1) No transfer authorized by ORS 267.020 of a mass transit district system to a metro-
8 politan service district shall take effect while bonds issued by the Oregon Mass Transportation Fi-
9 nancing Authority to finance mass transit facilities for the district are outstanding until a plan
10 designed to repay any outstanding bonds when due is prepared by the governing body of the met-
11 ropolitan service district and approved by:

12 (a) The chairperson of the [*Oregon Transportation Commission*] **State Rail and Transit Board**
13 or the chairperson's designee;

14 (b) The State Treasurer or State Treasurer's designee; and

15 (c) The chairperson of the Oregon Investment Council or the chairperson's designee.

16 (2) Persons given authority to approve a transfer under subsection (1) of this section may only
17 refuse to approve a transfer for reasons relating to the financial effect of the transfer.

18 **SECTION 139.** ORS 453.392 is amended to read:

19 453.392. (1) As part of the plan for the effective implementation of a statewide hazardous mate-
20 rial emergency response system established by rule under ORS 453.374, the State Fire Marshal shall
21 adopt by rule a plan for the coordinated response to oil or hazardous material spills or releases that
22 occur during rail transport. The plan adopted under this subsection:

23 (a) Shall address with a specific focus on oil or hazardous material spills or releases that occur
24 during rail transport all required provisions under ORS 453.374;

25 (b) May include requirements and incentives for local governments and other responders to
26 participate in ongoing training programs;

27 (c) Shall provide a system for identifying where hazardous material response resources owned
28 by railroads are located throughout this state and how access to those resources is to be coordi-
29 nated;

30 (d) Shall include a recurring, three-year training cycle of statewide training exercises that:

31 (A) Commences with a triennial tabletop exercise that includes the Department of Environ-
32 mental Quality, the [*Department of Transportation*] **Oregon Rail and Transit Department**, the
33 Oregon Department of Emergency Management, state and local responders, federally recognized In-
34 dian tribes in this state and railroads that operate in this state;

35 (B) Includes, in the second year of the training cycle, a triennial statewide functional exercise
36 to test and evaluate response capabilities, functional groups, plans, incident command staff and
37 emergency operations centers in their abilities to respond to an oil or a hazardous material spill or
38 release that occurs during rail transport; and

39 (C) Includes provisions for the planning, preparation and implementation, in the third year of
40 the training cycle, of a triennial full-scale, multiagency, multijurisdictional and multidisciplinary oil
41 or hazardous material spill or release training exercise that:

42 (i) Involves training for all manner of personnel necessary for a coordinated response to an oil
43 or a hazardous material spill or release;

44 (ii) Is intended to examine or validate the planning, coordination and command and control de-
45 cisions that may be made in the event of an oil or hazardous material spill or release and to also

1 examine or validate response-specific capabilities or functions; and

2 (iii) Involves training that covers the entire sequence of events that take place during an oil or
3 hazardous material spill or release incident that occurs during rail transport; and

4 (e) Shall include any other information deemed necessary by the Department of the State Fire
5 Marshal to provide coordinated response to oil or hazardous material spills or releases that occur
6 during rail transport.

7 (2) The department shall annually coordinate with local governments, other state agencies in-
8 volved in hazardous material emergency response, other responders and representatives of the rail-
9 road industry to prepare a report on the coordinated response plan adopted under this section and
10 shall:

11 (a) Make the report available as an appendix to the Oregon Department of Emergency
12 Management's oil and hazardous material response emergency operations plan developed pursuant
13 to ORS 401.092; and

14 (b) No later than February 1 of each year, submit the report to the Legislative Assembly in the
15 manner provided in ORS 192.245.

16 (3) The report required by subsection (2) of this section shall include, but need not be limited
17 to, the following in relation to oil and hazardous material emergency response for rail transport:

18 (a) An inventory of all emergency response resources available in this state, including informa-
19 tion on:

20 (A) The location of, and the means of access to, the resources;

21 (B) Whether the resources are publicly or privately maintained; and

22 (C) Additional resources that are needed to provide for adequate response;

23 (b) Suggested changes to the structure for the continued coordination between state agencies
24 and industry;

25 (c) Possible revisions to the response roles or responsibilities of state agencies, local govern-
26 ments and railroads; and

27 (d) Strategies for ensuring adequate funding at the state and local government levels to cover
28 the training, equipment and administrative costs associated with providing comprehensive response
29 and equipment.

30 **SECTION 140.** ORS 453.635 is amended to read:

31 453.635. (1) The Oregon Health Authority is the State Radiation Control Agency, but ORS
32 453.605 to 453.800 do not apply to a radiation source while it is being transported on a railroad car
33 or in a motor vehicle subject to and in conformity with rules adopted by the **Oregon Rail and**
34 **Transit Department** or Department of Transportation nor do they apply to any matter other than
35 transportation of radiation sources within the authority of the Energy Facility Siting Council under
36 ORS chapter 469. To protect occupational and public health and safety against radiation hazards the
37 authority shall:

38 (a) Develop programs to evaluate hazards associated with the use of radiation sources; and

39 (b) With due regard for compatibility with the regulatory programs of the federal government,
40 promulgate standards and make reasonable regulations relating to registration, licensing, use, han-
41 dling, transport, storage, disposal, other than disposal regulated by ORS 469.300 to 469.563, 469.590
42 to 469.619 and 469.930, and control of radiation sources, including but not limited to by-product
43 materials, source materials and special nuclear materials.

44 (2) To protect occupational and public health and safety against radiation hazards the authority
45 or its authorized representative may:

1 (a) Advise, consult and cooperate with other agencies of this state, the federal government,
2 other states, interstate agencies, political subdivisions of this state or other states and with groups
3 concerned with control of radiation sources;

4 (b) Encourage, participate in or conduct studies, investigations, training, research or demon-
5 strations relating to control of radiation sources;

6 (c) Accept and administer loans, grants or other funds or gifts, conditional or otherwise, from
7 the federal government or from any other source, public or private;

8 (d) Collect and disseminate information relating to control of radiation sources; and

9 (e) Subject to any applicable provision of the State Personnel Relations Law, appoint officers
10 and employees and prescribe their duties and fix their compensation.

11 **SECTION 141.** ORS 466.080 is amended to read:

12 466.080. In adopting rules governing transportation of any hazardous wastes for which a permit
13 is required, the Department of Transportation, **the Oregon Rail and Transit Department** or the
14 State Department of Agriculture must consult with and consider the recommendations of the De-
15 partment of Environmental Quality prior to the adoption of any such rules. Transporters shall be
16 required to deliver hazardous wastes to a site named in the manifest provided for in ORS 466.005
17 to 466.385, 466.990 (1) and (2) and 466.992, or to an alternative site approved by the department.

18 **SECTION 142.** Section 13a, chapter 581, Oregon Laws 2019, is amended to read:

19 **Sec. 13a.** (1) Subject to subsections (2) and (3) of this section, each railroad that is required to
20 submit a contingency plan for a high hazard train route under [*section 5 of this 2019 Act*] **ORS**
21 **468B.427** shall pay to the [*Department of Transportation*] **Oregon Rail and Transit Department** in
22 each year a fee equal to the amount that the Department of Environmental Quality finds and de-
23 termines to be necessary to defray the costs of only those duties imposed on the Department of
24 Environmental Quality by law for which costs may be paid from the High Hazard Train Route Oil
25 Spill Preparedness Fund established under [*section 14 of this 2019 Act*] **ORS 468B.435**.

26 (2) In each calendar year, the percentage rate of the fee required to be paid shall be determined
27 by orders entered by the [*Department of Transportation*] **Oregon Rail and Transit Department** on
28 or after March 1 of each year. The department shall provide notice of the order to each railroad.
29 Each railroad shall pay to the [*Department of Transportation*] **Oregon Rail and Transit Depart-**
30 **ment** the fee or portion of the fee as computed pursuant to this subsection on a date, as specified
31 in the notice, that is at least 15 days after the date of mailing the notice.

32 (3) The total of the fees payable by railroads described in subsection (1) of this section may not
33 exceed five hundredths of one percent of the combined gross operating revenues derived within this
34 state of all railroads described in subsection (1) of this section.

35 (4) Payment of each fee or portion of the fee, verification of gross operating revenues by the
36 railroad and any refunds of overpayment of the fee shall be made in the manner provided for and
37 at the same time as payment of the fee required under ORS 824.010 and subject to ORS 824.012.
38 Notwithstanding ORS 824.010 (1) and (4), the fee provided for in this section shall be in addition to
39 all other fees paid or payable by railroads to the [*Department of Transportation*] **Oregon Rail and**
40 **Transit Department**.

41 (5) Fees collected under this section shall be paid into the State Treasury and deposited in the
42 High Hazard Train Route Oil Spill Preparedness Fund established under [*section 14 of this 2019*
43 *Act*] **ORS 468B.435**.

44 **SECTION 143.** ORS 469.607 is amended to read:

45 469.607. (1) After consultation with the Department of Transportation, **the Oregon Rail and**

1 **Transit Department** and other appropriate state, local and federal agencies, the Energy Facility
2 Siting Council by rule:

3 (a) May fix requirements for notification, record keeping, reporting, packaging and emergency
4 response;

5 (b) May designate those routes by highway, railroad, waterway and air where transportation of
6 radioactive material can be accomplished safely;

7 (c) May specify conditions of transportation for certain classes of radioactive material, including
8 but not limited to, specific routes, permitted hours of movement, requirements for communications
9 capabilities between carriers and emergency response agencies, speed limits, police escorts, check-
10 points, operator or crew training or other operational requirements to enhance public health and
11 safety; and

12 (d) May establish requirements for insurance, bonding or other indemnification on the part of
13 any person transporting radioactive material into or within the State of Oregon under ORS 469.603
14 to 469.619 and 469.992.

15 (2) The requirements imposed by subsection (1) of this section must be consistent with federal
16 Department of Transportation and Nuclear Regulatory Commission rules.

17 (3) Rules adopted under this section shall be adopted in accordance with the provisions of ORS
18 chapter 183.

19 **SECTION 144.** ORS 608.310 is amended to read:

20 608.310. (1) Every person, or the lessee or agent of the person, owning or operating any railroad,
21 shall erect and maintain good and sufficient lawful fences on both sides of the railroad line, except
22 at the crossings of and upon public roads and highways, within such portions of cities as are or may
23 be laid out and platted in lots and blocks and at railroad station grounds. Such person shall also
24 at the same time erect and maintain necessary farm crossings and gates and sufficient cattle guards
25 at all public crossings.

26 (2) Railroad lines shall be so fenced and farm crossings, gates and cattle guards installed, within
27 three months from the time such lines are put in operation. However, the [*Department of Transpor-*
28 *tation*] **Oregon Rail and Transit Department** may prescribe by rule the number, location and
29 character of farm crossings which may be necessary and the manner in which they shall be con-
30 structed so that they are reasonably adequate, safe, sufficient and convenient, but not so as to im-
31 pair the terms of any contract between the landowner and the railroad or judgment in condemnation
32 relative to such crossings.

33 (3) The [*Department of Transportation*] **Oregon Rail and Transit Department** may, by rule,
34 determine and prescribe any other description of fence than that designated as a lawful fence, which
35 shall be constructed and maintained by any such railroad company between the points which are
36 designated in such rule, and may provide for the apportionment of the costs of reconstruction ne-
37 cessitated thereby as between the parties interested.

38 (4) The [*Department of Transportation*] **Oregon Rail and Transit Department** by rule may
39 suspend the operation of this section as to any particular portion of any line of railroad.

40 **SECTION 145.** ORS 657.665 is amended to read:

41 657.665. (1) Except as provided in subsections (2) to (5) of this section, all information in the
42 records of the Employment Department pertaining to the administration of the unemployment in-
43 surance, employment service and workforce and labor market information programs:

44 (a) Is confidential and for the exclusive use and information of the Director of the Employment
45 Department in administering the unemployment insurance, employment service and workforce and

1 labor market information programs in Oregon.

2 (b) May not be used in any court action or in any proceeding pending in the court unless the
3 director or the state is a party to the action or proceeding or unless the proceeding concerns the
4 establishment, enforcement or modification of a support obligation and support services are being
5 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

6 (c) Is exempt from disclosure under ORS 192.311 to 192.478.

7 (2) The Employment Department shall disclose information:

8 (a) To any claimant or legal representative, at a hearing before an administrative law judge, to
9 the extent necessary for the proper presentation of an unemployment insurance claim.

10 (b) Upon request to the United States Secretary of Labor. The Employment Department shall
11 disclose the information in a form and containing the information that the United States Secretary
12 of Labor may require. The information disclosed is confidential and may not be used for any other
13 purpose.

14 (c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the
15 United States charged with the administration of public works or assistance through public em-
16 ployment. Under this paragraph, the Employment Department shall disclose the name, address, or-
17 dinary occupation and employment status of each recipient of unemployment insurance benefits and
18 a statement of the recipient's right to further benefits under this chapter. The information disclosed
19 is confidential and may not be used for any other purpose.

20 (d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.
21 Under this paragraph, the Employment Department shall disclose unemployment insurance records.
22 The information disclosed is confidential and may not be used for any other purpose. The costs of
23 disclosing information under this paragraph shall be paid by the board.

24 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
25 of the United States Department of Agriculture and to officers or employees of any state Supple-
26 mental Nutrition Assistance Program agency for the purpose of determining an individual's eligibil-
27 ity for or the amount of supplemental nutrition assistance. The information disclosed is confidential
28 and may not be used for any other purpose. The costs of disclosing information under this paragraph
29 shall be paid by the United States Department of Agriculture.

30 (f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child
31 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-
32 curity Act for the purposes of establishing child support obligations, locating individuals owing child
33 support obligations and collecting child support obligations from those individuals. The information
34 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-
35 mation under this paragraph shall be paid by the child support enforcement agency.

36 (g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in
37 the income and eligibility verification system for the purpose of verifying an individual's eligibility
38 for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for
39 needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security
40 Income, child support enforcement or Social Security programs. The information disclosed is confi-
41 dential and may not be used for any other purpose. The costs of disclosing information under this
42 paragraph shall be paid by the requesting agency.

43 (h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal
44 Unemployment Tax Act, to the United States Department of Health and Human Services National
45 Directory of New Hires. The information disclosed is confidential and may not be used for any other

1 purpose. The costs of disclosing information under this paragraph shall be paid by the United States
2 Department of Health and Human Services.

3 (i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United
4 States Department of Housing and Urban Development and to representatives of a public housing
5 agency for the purpose of determining an individual's eligibility for benefits, or the amount of ben-
6 efits, under a housing assistance program of the United States Department of Housing and Urban
7 Development. The information disclosed is confidential and may not be used for any other purpose.
8 The costs of disclosing information under this paragraph shall be paid by the United States De-
9 partment of Housing and Urban Development or the public housing agency.

10 (j) Pursuant to regulations of the United States Secretary of Health and Human Services issued
11 under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by sec-
12 tion 303 of the Social Security Act, to the state, a political subdivision or a federally recognized
13 Indian tribe that has signed an agreement with the Department of Human Services to administer
14 Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility
15 for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the
16 Social Security Act. The information disclosed is confidential and may not be used for any other
17 purpose.

18 (k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment
19 Department may disclose an individual's employment and wage information in response to a federal
20 grand jury subpoena or for the purpose of collecting civil and criminal judgments, including
21 restitution and special assessment fees. The information disclosed is confidential and may not be
22 used for any other purpose. The costs of disclosing information under this paragraph shall be paid
23 by the United States Attorney's Office.

24 (3) The Employment Department may disclose information secured from employing units:

25 (a) To state agencies, federal agencies, local government agencies, public universities listed in
26 ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the
27 extent necessary to properly carry out governmental planning, performance measurement, program
28 analysis, socioeconomic analysis or policy analysis functions performed under applicable law. The
29 information disclosed is confidential and may not be disclosed by the agencies or universities in any
30 manner that would identify individuals, claimants, employees or employing units. If the information
31 disclosed under this paragraph is not prepared for the use of the Employment Department, the costs
32 of disclosing the information shall be paid by the agency or university requesting the information.

33 (b) As part of a geographic information system. Points on a map may be used to represent eco-
34 nomic data, including the location, employment size class and industrial classification of businesses
35 in Oregon. Information presented as part of a geographic information system may not give specific
36 details regarding a business's address, actual employment or proprietary information. If the infor-
37 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
38 the costs of disclosing the information shall be paid by the party requesting the information.

39 (c) In accordance with ORS 657.673.

40 (4) The Employment Department may:

41 (a) Disclose information to public employees in the performance of their duties under state or
42 federal laws relating to the payment of unemployment insurance benefits, the provision of employ-
43 ment services and the provision of workforce and labor market information.

44 (b) At the discretion of the Director of the Employment Department and subject to an intera-
45 gency agreement, disclose information to public officials in the performance of their official duties

1 administering or enforcing laws within their authority and to the agents or contractors of public
2 officials. The public official shall agree to assume responsibility for misuse of the information by
3 the official's agent or contractor.

4 (c) Disclose information pursuant to an informed consent, received from an employer or claim-
5 ant, to disclose the information.

6 (d) Disclose information to partners under the federal Workforce Innovation and Opportunity
7 Act for the purpose of administering state workforce programs under the Act. The information dis-
8 closed is confidential and may not be used for any other purpose. The costs of disclosing information
9 under this paragraph shall be paid by the requesting partner.

10 (e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries
11 for the purpose of disseminating information to employing units. The names and addresses disclosed
12 are confidential and may not be used for any other purpose. If the information disclosed under this
13 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
14 information shall be paid by the bureau.

15 (f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the
16 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to
17 658.511 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-
18 dresses of employers and employees and payroll data of employers and employees. The information
19 disclosed is confidential and may not be used for any other purpose. If the information disclosed
20 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
21 closing the information shall be paid by the bureau.

22 (g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-
23 tirement System for the purpose of determining the eligibility of members of the retirement system
24 for disability under ORS chapters 238 and 238A. The information disclosed is confidential and may
25 not be used for any other purpose. The costs of disclosing information under this paragraph shall
26 be paid by the Public Employees Retirement System.

27 (h) Disclose to the Oregon Business Development Commission and the Oregon Business Devel-
28 opment Department information required by the commission and the department in performing their
29 duties under ORS 285A.050 and 285B.630 to verify changes in employment levels following direct
30 employer participation in department programs or indirect participation through municipalities un-
31 der ORS 285B.410 to 285B.482. The information disclosed to the commission and the department may
32 include an employer's employment level, total subject wages payroll and whole hours worked. The
33 information disclosed is confidential and may not be used for any other purpose. The commission
34 and the department may not disclose the information in any manner that would identify an employ-
35 ing unit or employee except to the extent necessary to carry out the commission's and the
36 department's duties under ORS 285A.050 and 285B.630. If the information disclosed under this para-
37 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-
38 mation shall be paid by the commission or the Oregon Business Development Department.

39 (i) Disclose information to the Department of Revenue for the purpose of performing its duties
40 under ORS 293.250 or under the revenue and tax laws of this state, or for the purpose of using in-
41 formation reported by employers and claimants to detect potential identity theft or fraudulent
42 claims. The information disclosed may include the names and addresses of employers and employees
43 and payroll data of employers and employees. The information disclosed is confidential and may not
44 be disclosed by the Department of Revenue in any manner that would identify an employing unit
45 or employee except to the extent necessary to carry out the department's duties under ORS 293.250

1 or in auditing or reviewing any report or return required or permitted to be filed under the revenue
2 and tax laws administered by the department. The Department of Revenue may not disclose any in-
3 formation received to any private collection agency or for any other purpose. If the information
4 disclosed under this paragraph is not prepared for the use of the Employment Department, the costs
5 of disclosing the information shall be paid by the Department of Revenue.

6 (j) Disclose information to the Department of Consumer and Business Services for the purpose
7 of performing its duties under ORS chapters 654 and 656. The information disclosed may include the
8 name, address, number of employees and industrial classification code of an employer and payroll
9 data of employers and employees. The information disclosed is confidential and may not be disclosed
10 by the Department of Consumer and Business Services in any manner that would identify an em-
11 ploying unit or employee except to the extent necessary to carry out the department's duties under
12 ORS chapters 654 and 656, including administrative hearings and court proceedings in which the
13 Department of Consumer and Business Services is a party. If the information disclosed under this
14 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
15 information shall be paid by the Department of Consumer and Business Services.

16 (k) Disclose information to the Construction Contractors Board for the purpose of performing
17 its duties under ORS chapter 701. The information disclosed to the board may include the names and
18 addresses of employers and status of their compliance with this chapter. If the information disclosed
19 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
20 closing the information shall be paid by the board.

21 (L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying
22 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,
23 telephone number and industrial classification code of an employer. The information disclosed is
24 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify
25 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.
26 If the information disclosed under this paragraph is not prepared for the use of the Employment
27 Department, the costs of disclosing the information shall be paid by the Department of the State Fire
28 Marshal.

29 (m) Disclose information to the Higher Education Coordinating Commission for the purpose of
30 performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education
31 Act of 1965. The information disclosed may include the names and addresses of employers and em-
32 ployees and payroll data of employers and employees. The information disclosed is confidential and
33 may not be disclosed by the commission in any manner that would identify an employing unit or
34 employee except to the extent necessary to carry out the commission's duties under ORS chapter
35 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this para-
36 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-
37 mation shall be paid by the commission.

38 (n) Disclose information to the Department of Transportation to assist the Department of
39 Transportation in carrying out the duties of the Department of Transportation relating to collection
40 of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665[, 184.670 to
41 184.733] and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may
42 include the names and addresses of employers and employees and payroll data of employers and
43 employees. The information disclosed is confidential and may not be disclosed by the Department
44 of Transportation in any manner that would identify an employing unit or employee except to the
45 extent necessary to carry out the Department of Transportation's duties relating to collection of

1 delinquent and liquidated debts or in auditing or reviewing any report or return required or per-
 2 mitted to be filed under the revenue and tax laws administered by the Department of Transportation.
 3 The Department of Transportation may not disclose any information received to any private col-
 4 lection agency or for any other purpose. If the information disclosed under this paragraph is not
 5 prepared for the use of the Employment Department, the costs of disclosing the information shall
 6 be paid by the Department of Transportation.

7 **(o) Disclose information to the Oregon Rail and Transit Department to assist the Oregon**
 8 **Rail and Transit Department in carrying out the duties of the Oregon Rail and Transit De-**
 9 **partment relating to collection of delinquent and liquidated debts, including taxes, under ORS**
 10 **184.670 to 184.733 and the Oregon Vehicle Code. The information disclosed may include the**
 11 **names and addresses of employers and employees and payroll data of employers and em-**
 12 **ployees. The information disclosed is confidential and may not be disclosed by the Oregon**
 13 **Rail and Transit Department in any manner that would identify an employing unit or em-**
 14 **ployee except to the extent necessary to carry out the Oregon Rail and Transit Department's**
 15 **duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any**
 16 **report or return required or permitted to be filed under the revenue and tax laws adminis-**
 17 **tered by the Oregon Rail and Transit Department. The Oregon Rail and Transit Department**
 18 **may not disclose any information received to any private collection agency or for any other**
 19 **purpose. If the information disclosed under this paragraph is not prepared for the use of the**
 20 **Employment Department, the costs of disclosing the information shall be paid by the Oregon**
 21 **Rail and Transit Department.**

22 [(o)] **(p)** Disclose information to the Department of Human Services and the Oregon Health Au-
 23 thority to assist the Department of Human Services and the Oregon Health Authority in the col-
 24 lection of debts that the Department of Human Services and the Oregon Health Authority are
 25 authorized by law to collect. The information disclosed may include the names, addresses and pay-
 26 roll data of employers and employees. The information disclosed is confidential and may not be dis-
 27 closed by the Department of Human Services or the Oregon Health Authority in a manner that
 28 would identify an employing unit or employee except to the extent necessary for the collection of
 29 debts as described in this paragraph. The Department of Human Services and the Oregon Health
 30 Authority may not disclose information received under this paragraph to a private collection agency
 31 or use the information for a purpose other than the collection of debts as described in this para-
 32 graph. If the information disclosed under this paragraph is not prepared for the use of the Employ-
 33 ment Department, the costs of disclosing the information shall be paid by the Department of Human
 34 Services or the Oregon Health Authority.

35 [(p)] **(q)** Disclose to the Alcohol and Drug Policy Commission information required by the com-
 36 mission in evaluating and measuring the performance of alcohol and drug prevention and treatment
 37 programs under ORS 430.223 or the impact of the programs on employment. The information dis-
 38 closed to the commission may include total subject wages payroll and whole hours worked. The in-
 39 formation disclosed under this paragraph is confidential and may not be used for any other purpose.
 40 The commission may not disclose the information in any manner that would identify an employing
 41 unit or employee except to the extent necessary to carry out the commission's duties under ORS
 42 430.223. If the information disclosed under this paragraph is not prepared for the use of the Em-
 43 ployment Department, the costs of disclosing the information shall be paid by the commission.

44 [(q)] **(r)** Disclose to any person establishment level information secured pursuant to this chapter
 45 from federal, state and local government agencies, public universities listed in ORS 352.002 or the

1 Oregon Health and Science University established under ORS 353.020. If the information disclosed
2 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
3 closing the information shall be paid by the person requesting the information.

4 [(r)] (s) Disclose to any person the industrial classification code assigned to an employing unit.
5 If the information disclosed under this paragraph is not prepared for the use of the Employment
6 Department, the costs of disclosing the information shall be paid by the person requesting the in-
7 formation.

8 [(s)] (t) Disclose information to the State Treasurer useful for the purpose of performing the
9 State Treasurer's duties under ORS 98.302 to 98.436, 98.992 and 116.253 and the role of an estate
10 administrator under ORS 113.235. The information disclosed is confidential and may not be used by
11 the State Treasurer for any other purpose. If the information disclosed is not prepared for the use
12 of the Employment Department, the costs of disclosing the information shall be paid by the State
13 Treasurer.

14 (5) The Employment Department may make public all decisions of the Employment Appeals
15 Board.

16 (6) Any officer appointed by or any employee of the Director of the Employment Department
17 who discloses confidential information, except with the authority of the director, pursuant to rules
18 or as otherwise required by law, may be disqualified from holding any appointment or employment
19 with the Employment Department.

20 (7) Any person or any officer or employee of an entity to whom information is disclosed by the
21 Employment Department under this section who divulges or uses the information for any purpose
22 other than that specified in the provision of law or agreement authorizing the use or disclosure may
23 be disqualified from performing any service under contract or disqualified from holding any ap-
24 pointment or employment with the state agency that engaged or employed that person, officer or
25 employee. The Employment Department may immediately cancel or modify any information sharing
26 agreement with an entity when a person or an officer or employee of that entity discloses confi-
27 dential information, other than as specified in law or agreement.

28 **SECTION 146.** ORS 657B.400 is amended to read:

29 657B.400. (1) Except as provided in subsections (2) to (7) and (10) of this section, all information
30 in the records of the Employment Department or a third party administrator pertaining to the ad-
31 ministration of this chapter:

32 (a) Is confidential and for the exclusive use and information of the Director of the Employment
33 Department in administering this chapter;

34 (b) May not be used in any court action or in any proceeding pending in the court unless the
35 director or the State of Oregon is a party to the action or proceeding or unless the action or pro-
36 ceeding concerns the establishment, enforcement or modification of a support obligation and support
37 services are being provided by the Division of Child Support of the Department of Justice or the
38 district attorney pursuant to ORS 25.080; and

39 (c) Is exempt from disclosure under ORS 192.311 to 192.478.

40 (2) The Employment Department may disclose information:

41 (a) To the extent necessary for the payment of benefits or collection of contributions due under
42 this chapter:

43 (A) To any claimant or employer; or

44 (B) To a legal representative or other designee authorized by a claimant or employer in ac-
45 cordance with any rules adopted by the director regarding the receipt of confidential information

1 on behalf of a claimant or employer.

2 (b) Upon request to the United States Attorney's Office. Under this paragraph, the Employment
3 Department may disclose an individual's employment and wage information in response to a federal
4 grand jury subpoena or for the purpose of collecting civil and criminal judgments issued by a federal
5 court, including restitution and special assessment fees. The information disclosed is confidential
6 and may not be used for any other purpose. The costs of disclosing information under this paragraph
7 shall be paid by the United States Attorney's Office.

8 (3) At the discretion of the director and subject to an interagency agreement, the Employment
9 Department may disclose, upon request, information:

10 (a) To state or local child support enforcement agencies enforcing child support obligations for
11 the purposes of establishing child support obligations, locating individuals owing child support obli-
12 gations and collecting child support obligations from those individuals. The information disclosed is
13 confidential and may not be used for any other purpose. The costs of disclosing information under
14 this paragraph shall be paid by the child support enforcement agency.

15 (b) To agencies participating in an income and eligibility verification system for the purpose of
16 verifying an individual's eligibility for benefits, or the amount of benefits, under a state or federal
17 program such as unemployment insurance, temporary assistance for needy families, medical assist-
18 ance, supplemental nutrition assistance, Supplemental Security Income, child support enforcement
19 or Social Security. The information disclosed is confidential and may not be used for any other
20 purpose. The costs of disclosing information under this paragraph shall be paid by the requesting
21 agency.

22 (c) To officers and employees of the United States Department of Housing and Urban Develop-
23 ment and to representatives of a state or local public housing agency for the purpose of determining
24 an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program.
25 The information disclosed is confidential and may not be used for any other purpose. The costs of
26 disclosing information under this paragraph shall be paid by the requesting agency.

27 (4) At the discretion of the director and subject to an interagency agreement, the Employment
28 Department may disclose information secured from employers:

29 (a) To state agencies, federal agencies, local government agencies, public universities listed in
30 ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the
31 extent necessary to properly carry out governmental planning, performance measurement, program
32 analysis, socioeconomic analysis or policy analysis functions performed under applicable law and at
33 the discretion of the director and subject to an interagency agreement. The information disclosed
34 is confidential and may not be disclosed by the agencies or universities in any manner that would
35 identify individuals, claimants, employees or employers. If the information disclosed under this par-
36 agraph is not prepared for the use of the Employment Department, the costs of disclosing the in-
37 formation shall be paid by the agency or university requesting the information.

38 (b) As part of a geographic information system. Points on a map may be used to represent eco-
39 nomic data, including the location, employer size and industrial classification of businesses in
40 Oregon. Information presented as part of a geographic information system may not give specific
41 details regarding a business's address, actual employment or proprietary information. If the infor-
42 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
43 the costs of disclosing the information shall be paid by the party requesting the information.

44 (5) At the discretion of the director and subject to an interagency agreement, the Employment
45 Department may disclose information received from an employer, an employee or a claimant:

1 (a) To public employees in the performance of their duties under state or federal laws relating
2 to the payment of family and medical leave insurance benefits.

3 (b) Pursuant to an informed consent, received from the employer, employee or claimant, to dis-
4 close the information.

5 (c) To the Bureau of Labor and Industries for the purpose of performing duties under ORS
6 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The
7 information disclosed may include the names and addresses of employers and employees, payroll data
8 of employers and employees, and information obtained for an appeal from a determination under a
9 plan approved under ORS 657B.210. The information disclosed is confidential and may not be used
10 for any other purpose. If the information disclosed under this paragraph is not prepared for the use
11 of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

12 (d) To the Department of Revenue for the purpose of performing its duties under ORS 293.250
13 or under the revenue and tax laws of this state and identifying potential identity theft and fraud.
14 The information disclosed may include the names and addresses of employers and employees, payroll
15 data of employers and employees, and particulars, as defined in ORS 314.835. The information dis-
16 closed is confidential and may not be disclosed by the Department of Revenue in any manner that
17 would identify an employer or employee except to the extent necessary to carry out the
18 department's duties under ORS 293.250 or in auditing or reviewing any report or return required
19 or permitted to be filed under the revenue and tax laws administered by the department. The De-
20 partment of Revenue may not disclose any information received to any private collection agency or
21 for any other purpose. If the information disclosed under this paragraph is not prepared for the use
22 of the Employment Department, the costs of disclosing the information shall be paid by the Depart-
23 ment of Revenue.

24 (e) To the Department of Consumer and Business Services for the purpose of performing its du-
25 ties under ORS chapters 654, 656 and 731. The information disclosed may include, but is not limited
26 to, the name, address, number of employees and standard industrial classification code of an em-
27 ployer and payroll data of employers and employees. The information disclosed is confidential and
28 may not be disclosed by the Department of Consumer and Business Services in any manner that
29 would identify an employer or employee except to the extent necessary to carry out the
30 department's duties under ORS chapters 654, 656 and 731, including administrative hearings and
31 court proceedings in which the Department of Consumer and Business Services is a party. If the
32 information disclosed under this paragraph is not prepared for the use of the Employment Depart-
33 ment, the costs of disclosing the information shall be paid by the Department of Consumer and
34 Business Services.

35 (f) To the Construction Contractors Board for the purpose of performing its duties under ORS
36 chapter 701. The information disclosed to the board may include the names and addresses of em-
37 ployers and status of their compliance with this chapter. If the information disclosed under this
38 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
39 information shall be paid by the board.

40 (g) To the Department of Transportation to assist the department in carrying out its duties re-
41 lating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to
42 184.665[184.670 to 184.733] and 805.263, ORS chapter 319 and the Oregon Vehicle Code, or in au-
43 diting or reviewing any report or return required or permitted to be filed under the revenue and tax
44 laws administered by the department. The information disclosed may include the names and ad-
45 dresses of employers and employees and payroll data of employers and employees. The information

1 disclosed is confidential and may not be disclosed by the Department of Transportation in any
2 manner that would identify an employer or employee except to the extent necessary to carry out the
3 department's duties relating to collection of delinquent and liquidated debts or in auditing or re-
4 viewing any report or return required or permitted to be filed under the revenue and tax laws ad-
5 ministered by the department. The Department of Transportation may not disclose any information
6 received to any private collection agency or for any other purpose. If the information disclosed un-
7 der this paragraph is not prepared for the use of the Employment Department, the costs of disclosing
8 the information shall be paid by the Department of Transportation.

9 **(h) To the Oregon Rail and Transit Department to assist the department in carrying out**
10 **its duties relating to collection of delinquent and liquidated debts, including taxes, under ORS**
11 **184.670 to 184.733 and the Oregon Vehicle Code, or in auditing or reviewing any report or**
12 **return required or permitted to be filed under the revenue and tax laws administered by the**
13 **department. The information disclosed may include the names and addresses of employers**
14 **and employees and payroll data of employers and employees. The information disclosed is**
15 **confidential and may not be disclosed by the Oregon Rail and Transit Department in any**
16 **manner that would identify an employer or employee except to the extent necessary to carry**
17 **out the department's duties relating to collection of delinquent and liquidated debts or in**
18 **auditing or reviewing any report or return required or permitted to be filed under the re-**
19 **venue and tax laws administered by the department. The Oregon Rail and Transit Depart-**
20 **ment may not disclose any information received to any private collection agency or for any**
21 **other purpose. If the information disclosed under this paragraph is not prepared for the use**
22 **of the Employment Department, the costs of disclosing the information shall be paid by the**
23 **Oregon Rail and Transit Department.**

24 [(h)] (i) To the Department of Human Services and the Oregon Health Authority to assist the
25 department and the authority in the collection of debts that the department and the authority are
26 authorized by law to collect. The information disclosed may include the names and addresses of
27 employers and employees and payroll data of employers and employees. The information disclosed
28 is confidential and may not be disclosed by the Department of Human Services or the Oregon Health
29 Authority in any manner that would identify an employer or employee except to the extent neces-
30 sary for the collection of debts as described in this paragraph. The Department of Human Services
31 and the Oregon Health Authority may not disclose information received under this paragraph to a
32 private collection agency or use the information for a purpose other than the collection of debts as
33 described in this paragraph. If the information disclosed under this paragraph is not prepared for
34 the use of the Employment Department, the costs of disclosing the information shall be paid by the
35 Department of Human Services or the Oregon Health Authority.

36 [(i)] (j) To the State Treasurer useful for the purpose of performing the State Treasurer's duties
37 under ORS 98.302 to 98.436, 98.992, 113.235 and 116.253. The information disclosed is confidential and
38 may not be used by the State Treasurer for any other purpose. If the information disclosed under
39 this paragraph is not prepared for the use of the Employment Department, the costs of disclosing
40 the information shall be paid by the State Treasurer.

41 (6) At the discretion of the director and subject to an interagency agreement, the director may
42 disclose information to a public official in the performance of the public official's official duties ad-
43 ministering or enforcing laws within the public official's authority and to an agent or contractor of
44 a public official. The public official shall agree to assume responsibility for misuse of the information
45 by the public official's agent or contractor.

1 (7) At the discretion of the director, the director may disclose information to a contractor pur-
 2 suant to a contract for actuarial services. The contractor shall agree to assume responsibility for
 3 misuse of the information by the contractor's agent.

4 (8) Any officer appointed by or any employee of the director who discloses confidential infor-
 5 mation, except with the authority of the director, pursuant to rules or as otherwise required by law,
 6 may be disqualified from holding any appointment or employment with the Employment Department.

7 (9) Any person or any officer or employee of an entity to whom information is disclosed by the
 8 Employment Department under this section who divulges or uses the information for any purpose
 9 other than that specified in the provision of law or agreement authorizing the use or disclosure may
 10 be disqualified from performing any service under contract or from holding any appointment or em-
 11 ployment with the state agency that engaged or employed that person, officer or employee. The
 12 Employment Department may immediately cancel or modify any information-sharing agreement with
 13 an entity when a person or an officer or employee of that entity discloses confidential information,
 14 other than as specified in law or agreement.

15 (10) At the discretion of the director, the director may disclose information to an employee or
 16 officer within any division of the Employment Department as necessary to conduct research, compile
 17 aggregate data from the information received and any other purpose deemed necessary by the di-
 18 rector to assist the director in carrying out the duties under this chapter or other duties under ORS
 19 chapter 657.

20 (11) The director may adopt any rules necessary to implement this section.

21 **SECTION 147.** ORS 772.025 is amended to read:

22 772.025. (1) Whenever any railroad corporation, authorized by ORS 772.020 to condemn the right
 23 to cross or connect with any other right of way or constructed line of railroad, is unable to agree
 24 with the owner of the line which it desires to cross, it may apply to the [*Department of Transpor-*
 25 *tation*] **Oregon Rail and Transit Department** in the manner provided by ORS 824.228 to 824.232.

26 (2) Upon such application and upon notice and hearing as provided in ORS chapter 183 for
 27 contested cases, the department shall determine the right to crossing, intersection or connection, the
 28 mode and manner thereof and the compensation to be paid therefor.

29 (3) No agreement for the crossing of one railroad by another shall be valid without the approval
 30 of the department.

31 **SECTION 148.** ORS 802.110 is amended to read:

32 802.110. Any procedures the Department of Transportation establishes for financial adminis-
 33 tration of those functions of the department dealing with driver and motor vehicle services and for
 34 the disposition and payment of moneys it receives from the provision of driver and motor vehicle
 35 services shall comply with all of the following:

36 (1) The department shall deposit all moneys it receives related to driver and motor vehicle ser-
 37 vices in the Department of Transportation Driver and Motor Vehicle Suspense Account for approved
 38 expenses and disbursements before payment of general administrative expenses of the department related
 39 to the provision of driver and motor vehicle services. Notwithstanding this subsection, the depart-
 40 ment may return a bank check or money order when received in incorrect or incomplete form or
 41 when not accompanied by the proper application.

42 (2) The department shall pay the following approved expenses and disbursements from the Depart-
 43 ment of Transportation Driver and Motor Vehicle Suspense Account before payment of the general
 44 administrative expenses of the department related to driver and motor vehicle services:

45 (a) Refunds authorized by any statute administered by the department when such refunds are

1 approved by the department.

2 (b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for the purpose of carry-
3 ing out the state aviation laws, amounts transferred to the Boating Safety, Law Enforcement and
4 Facility Account and to the Marine Navigation Improvement Fund by ORS 319.415, amounts trans-
5 ferred to the State Aviation Account by ORS 319.417 and amounts transferred to the Department
6 of Transportation Operating Fund by ORS 184.643.

7 (c) After deduction of expenses of collection, transfer and administration, the department shall
8 pay moneys collected from the Student Driver Training Fund eligibility fee under ORS 807.040,
9 807.150 and 807.370 to the State Treasurer for deposit in the Student Driver Training Fund. The
10 moneys deposited in the Student Driver Training Fund under this paragraph are continuously ap-
11 propriated to the department for the following purposes:

12 (A) To the extent of not more than 10 percent of the amount transferred into the Student Driver
13 Training Fund in any biennium, to pay the expenses of administering ORS 336.795, 336.800, 336.805,
14 336.810 (2) and 336.815.

15 (B) The remaining moneys, for reimbursing school districts and commercial driver training
16 schools as provided under ORS 336.805.

17 (d) After deduction of expenses of collection, transfer and administration, the department shall
18 pay moneys collected for the Motorcycle Safety Subaccount under ORS 807.170 to the State Treas-
19 urer for deposit in the Motorcycle Safety Subaccount of the Transportation Safety Account. Moneys
20 paid to the State Treasurer under this paragraph shall be used for the purpose of ORS 802.320.

21 (e) After deduction of expenses for the administration of the issuance of customized registration
22 plates under ORS 805.240, the department shall place moneys received from the sale of customized
23 registration plates in the Passenger Rail Transportation Account. The moneys placed in the account
24 are continuously appropriated to the *[department]* **Oregon Rail and Transit Department** and shall
25 be used for the payment of expenses incurred in administering passenger rail programs.

26 (f) After deduction of expenses of collection, transfer and administration, the Department of
27 **Transportation** shall pay moneys from any registration fees established by the governing bodies of
28 counties or a district, as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate
29 counties or districts. The department shall make the payments on at least a monthly basis unless
30 another basis is established by the intergovernmental agreements required by ORS 801.041 and
31 801.042 between the department and the governing bodies of a county or a district.

32 (g) After deducting the expenses of the department in collecting and transferring the moneys,
33 the department shall make disbursements and payments of moneys collected for or dedicated to any
34 other purpose or fund except the State Highway Fund, including but not limited to, payments to the
35 Department of Transportation Operating Fund established by ORS 184.642 (1) and (2).

36 (3) The department shall refund from the Department of Transportation Driver and Motor Ve-
37 hicle Suspense Account any excess or erroneous payment to a person who made the payment or to
38 the person's legal representative when the department determines that money has been received by
39 it in excess of the amount legally due and payable or that it has received money in which it has
40 no legal interest. Refunds payable under this subsection are continuously appropriated for such
41 purposes in the manner for payment of refunds under this section. If the department determines that
42 a refund is due, the department may refund the amount of excess or erroneous payment without a
43 claim being filed. Except as provided in ORS 319.290, 319.375, 319.820 and 319.831, any claim for a
44 refund from the department must be filed within 12 months after the date payment is received by
45 the department.

1 (4) After payment of those expenses and disbursements approved for payment before general admin-
2 istrative expenses related to the provision of driver and motor vehicle services, the department shall
3 pay from the Department of Transportation Driver and Motor Vehicle Services Administrative Ac-
4 count its general administrative expenses incurred in the administration of any law related to driver
5 and motor vehicle services that the department is charged with administering and any other ex-
6 penses the department is permitted by law to pay from moneys held by the department before
7 transfer of the moneys to the State Highway Fund. The following limitations apply to payments of
8 administrative expenses under this subsection:

9 (a) The department shall make payment of the expenses of administering the issuance of winter
10 recreation parking permits under ORS 811.595 from those moneys received from issuing the permits.

11 (b) The department shall pay its expenses for administering the registration and titling of
12 snowmobiles under ORS 821.060 and 821.100 from the fees collected from administering those
13 sections. The department shall also pay its expenses for the administration of the snowmobile driver
14 permit program under ORS 821.160 from the moneys otherwise described in this paragraph.

15 (c) The department shall pay its expenses for determining the amount of money to be withheld
16 under ORS 802.120 from the fees collected for administering the registration and titling of
17 snowmobiles. The amount used to pay expenses under this paragraph shall be such sum as necessary
18 but may not exceed \$10,000 during each biennium.

19 (d) The department shall retain not more than \$15,000 in any biennium for the expenses of col-
20 lecting and transferring moneys to the Student Driver Training Fund under this section and for the
21 administration of ORS 336.810 (3).

22 (5) Except as otherwise provided in this subsection, the department shall transfer to the State
23 Highway Fund the moneys not used for payment of the general administrative expenses or for ap-
24 proved expenses and disbursements before payment of general administrative expenses. The following
25 apply to this subsection:

26 (a) If the Director of Transportation certifies the amount of principal or interest of highway
27 bonds due on any particular date, the department may make available for the payment of such in-
28 terest or principal any sums that may be necessary to the extent of moneys on hand available for
29 the State Highway Fund regardless of the dates otherwise specified under this section.

30 (b) Notwithstanding paragraph (a) of this subsection, the department may not make available for
31 purposes described in paragraph (a) of this subsection any moneys described in ORS 367.605 when
32 there are not sufficient amounts of such moneys in the State Highway Fund for purposes of bonds
33 issued under ORS 367.615.

34 (6) Notwithstanding any other provision of this section, the following moneys shall be trans-
35 ferred to the State Highway Fund at the times described:

36 (a) Moneys received under ORS 802.120 and not used for the payment of administrative expenses
37 of the department shall be transferred before July 31 of each year.

38 (b) Moneys received from the registration of snowmobiles that are not to be used for payment
39 of administrative expenses of the department shall be transferred within 30 days after the end of the
40 quarter.

41 (c) Moneys received from the issuance of winter recreation parking permits that are not used
42 for payment of administrative expenses of the department shall be transferred within 30 days after
43 the end of the quarter.

44 (7) The following moneys transferred to the State Highway Fund under this section may be used
45 only for the purposes described as follows:

1 (a) Moneys collected from the issuance of winter recreation parking permits, and the interest
 2 on such moneys, shall be used to enforce the requirement for winter recreation parking permits and
 3 to remove snow from winter recreation parking locations designated under ORS 810.170. Any re-
 4 maining moneys shall, upon approval by the Winter Recreation Advisory Committee:

5 (A) Be used to maintain parking locations developed with moneys obtained under ORS 810.170
 6 and snowmobile facilities that are parking lots developed with moneys as provided under this sec-
 7 tion;

8 (B) Be used to develop additional winter recreation parking locations under ORS 810.170; or

9 (C) Be carried over to be used in subsequent years for the purposes and in the manner described
 10 in this paragraph.

11 (b) Moneys received from the registration of snowmobiles or under ORS 802.120 may be used for
 12 development and maintenance of multiuse trails within urban growth boundaries or for the devel-
 13 opment and maintenance of snowmobile facilities, including the acquisition of land therefor by any
 14 means other than the exercise of eminent domain. Moneys received under ORS 802.120 may also be
 15 used for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140, 821.150, 821.190, 821.210 and
 16 821.240 to 821.290.

17 (8) The department shall maintain the Revolving Account for Emergency Cash Advances sepa-
 18 rate from other moneys described in this section. From the account, the department may pay for the
 19 taking up of dishonored remittances returned by banks or the State Treasurer and for emergency
 20 cash advances to be subsequently reimbursed. The account shall be used only as a revolving
 21 fund. The department shall at all times be accountable for the amount of the account, either in cash
 22 or unreimbursed items and advances. The moneys in the account are continuously appropriated for
 23 the purposes of this subsection. The amount of moneys in the account under this subsection may not
 24 exceed \$40,000 from moneys received by the department in the performance of its driver and motor
 25 vehicle services functions and moneys otherwise appropriated for purposes of this subsection. The
 26 account under this subsection shall be kept on deposit with the State Treasurer. The State Treas-
 27 urer is authorized to honor and pay all properly signed and indorsed checks or warrants drawn
 28 against the account.

29 **SECTION 149.** ORS 811.465 is amended to read:

30 811.465. This section establishes exemptions from the special crossing procedures established for
 31 high-risk vehicles under ORS 811.460. The exemptions are partial or complete as described in the
 32 following:

33 (1) The vehicles are not required to comply with the procedures at a crossing of a street or
 34 highway and rail fixed guideway public transportation system tracks if:

35 (a) The rail fixed guideway public transportation system vehicles operate within and parallel to
 36 the right of way of a street or highway; and

37 (b) All vehicle movements are controlled by traffic control devices.

38 (2) The vehicles are not required to comply with the procedures when crossing any railway
 39 tracks upon which operation has been abandoned and for which the [*Department of Transportation*]
 40 **Oregon Rail and Transit Department** has plainly marked that no stop need be made.

41 (3) The vehicles are not required to comply with the procedures when crossing industry track
 42 crossings across which train operations are required by law to be conducted under flag protection.

43 (4) The vehicles are not required to comply with the procedures when crossing industry track
 44 crossings within business districts.

45 (5) Vehicles are not required to comply with the procedures when crossing any crossing where

1 an officer directs traffic to proceed or where an operating traffic control signal indicates that other
2 traffic may proceed.

3 (6) Vehicles are not required to comply with the procedures when crossing any crossing pro-
4 tected by crossing gates. The exemption under this subsection does not apply to:

5 (a) School buses or school activity vehicles that are required to stop at crossings with crossing
6 gates under ORS 811.460;

7 (b) Tank vehicles, whether loaded or empty, used to transport hazardous materials;

8 (c) Vehicles transporting any hazardous material requiring the vehicle to be placarded; or

9 (d) High-risk vehicles described in ORS 811.460 that are not otherwise described in this sub-
10 section, when operating in interstate commerce.

11 (7) Except when a train, other on-track equipment or rail fixed guideway public transportation
12 system vehicle is approaching, the driver of a commercial bus is not required to stop at crossings
13 where the [*Department of Transportation*] **Oregon Rail and Transit Department** has determined
14 and plainly marked that no stop need be made.

15
16 **CONFORMING AMENDMENTS IN ORS CHAPTER 823**

17
18 **SECTION 150. Sections 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 177, 179,**
19 **182, 184, 186, 188, 189 and 191 to 194 of this 2025 Act are added to and made a part of the**
20 **Oregon Vehicle Code.**

21 **SECTION 151.** ORS 823.009 is amended to read:

22 823.009. (1) In addition to the powers and duties now or hereafter transferred to or vested in the
23 Department of Transportation, the department shall represent the customers of any motor carrier
24 [*or railroad*], and the public generally, in all controversies respecting rates, valuations, service and
25 all matters of which the department has jurisdiction regarding motor carriers [*and railroads*]. In
26 respect thereof, the department shall make use of its jurisdiction and powers to protect such cus-
27 tomers, and the public generally, from unjust and unreasonable exactions and practices and to ob-
28 tain for them adequate service at fair and reasonable rates.

29 (2) The department is vested with power and jurisdiction to supervise and regulate every motor
30 carrier [*and railroad*] in this state, and to do all things necessary and convenient in the exercise
31 of such power and jurisdiction.

32 (3) The department may participate in any proceeding before any public officer, commission or
33 body of the United States or any state or other jurisdiction for the purpose of representing the
34 public generally and the customers of the services of any motor carrier [*or railroad*] operating or
35 providing service to or within this state.

36 (4) The department may make joint investigations, hold joint hearings within or without this
37 state and issue concurrent orders in conjunction or concurrence with any official, board, commission
38 or agency of any state or of the United States.

39 **SECTION 152. (1) In addition to the powers and duties now or hereafter transferred to**
40 **or vested in the Oregon Rail and Transit Department, the department shall represent the**
41 **customers of any railroad, and the public generally, in all controversies respecting rates,**
42 **valuations, service and all matters of which the department has jurisdiction regarding rail-**
43 **roads. In respect thereof, the department shall make use of its jurisdiction and powers to**
44 **protect such customers, and the public generally, from unjust and unreasonable exactions**
45 **and practices and to obtain for them adequate service at fair and reasonable rates.**

1 **(2) The department is vested with power and jurisdiction to supervise and regulate every**
 2 **railroad in this state, and to do all things necessary and convenient in the exercise of such**
 3 **power and jurisdiction.**

4 **(3) The department may participate in any proceeding before any public officer, commis-**
 5 **sion or body of the United States or any state or other jurisdiction for the purpose of rep-**
 6 **resenting the public generally and the customers of the services of any railroad operating**
 7 **or providing service to or within this state.**

8 **(4) The department may make joint investigations, hold joint hearings within or without**
 9 **this state and issue concurrent orders in conjunction or concurrence with any official, board,**
 10 **commission or agency of any state or of the United States.**

11 **SECTION 153.** ORS 823.011 is amended to read:

12 823.011. The Department of Transportation may adopt and amend reasonable and proper rules
 13 and regulations relative to all statutes regarding motor carriers [*and railroads*] administered by the
 14 department and may adopt and publish reasonable and proper rules to govern proceedings and to
 15 regulate the mode and manner of all investigations of motor carriers [*and railroads*] subject to reg-
 16 ulation by the department.

17 **SECTION 154.** **The Oregon Rail and Transit Department may adopt and amend reasonable**
 18 **and proper rules and regulations relative to all statutes regarding railroads administered by**
 19 **the department and may adopt and publish reasonable and proper rules to govern pro-**
 20 **ceedings and to regulate the mode and manner of all investigations of railroads subject to**
 21 **regulation by the department.**

22 **SECTION 155.** ORS 823.013 is amended to read:

23 823.013. (1) A substantial compliance with the requirements of the laws administered by the
 24 Department of Transportation regarding motor carriers [*and railroads*] is sufficient to give effect to
 25 all the rules, orders, acts and regulations of the department and they shall not be declared inoper-
 26 ative, illegal or void for any omission of a technical nature in respect thereto.

27 (2) The provisions of such laws shall be liberally construed with a view to the public welfare,
 28 efficient facilities and substantial justice between customers and motor carriers [*or railroads*].

29 **SECTION 156.** (1) **A substantial compliance with the requirements of the laws adminis-**
 30 **tered by the Oregon Rail and Transit Department regarding railroads is sufficient to give**
 31 **effect to all the rules, orders, acts and regulations of the department and they shall not be**
 32 **declared inoperative, illegal or void for any omission of a technical nature in respect thereto.**

33 (2) **The provisions of such laws shall be liberally construed with a view to the public**
 34 **welfare, efficient facilities and substantial justice between customers and railroads.**

35 **SECTION 157.** ORS 823.015 is amended to read:

36 823.015. The service or delivery of any notice, order, form or other document or legal process
 37 required to be made by the Department of Transportation in connection with any statute governing
 38 motor carriers [*or railroads*] may be made by mail. If by mail, service or delivery is made when the
 39 required material is deposited in the post office, in a sealed envelope with postage paid, addressed
 40 to the person on whom it is to be served or delivered, at the address as it last appears in the records
 41 of the department.

42 **SECTION 158.** **The service or delivery of any notice, order, form or other document or**
 43 **legal process required to be made by the Oregon Rail and Transit Department in connection**
 44 **with any statute governing railroads may be made by mail. If by mail, service or delivery is**
 45 **made when the required material is deposited in the post office, in a sealed envelope with**

1 **postage paid, addressed to the person on whom it is to be served or delivered, at the address**
 2 **as it last appears in the records of the department.**

3 **SECTION 159.** ORS 823.021 is amended to read:

4 823.021. The Department of Transportation may inquire into the management of the business of
 5 all motor carriers [*and railroads*], and shall keep informed as to the manner and method in which
 6 the business is conducted. The department has the right to obtain from any motor carrier [*or rail-*
 7 *road*] all necessary information to enable the department to perform its duties related to motor
 8 carriers [*and railroads*].

9 **SECTION 160.** **The Oregon Rail and Transit Department may inquire into the manage-**
 10 **ment of the business of all railroads, and shall keep informed as to the manner and method**
 11 **in which the business is conducted. The department has the right to obtain from any railroad**
 12 **all necessary information to enable the department to perform its duties related to railroads.**

13 **SECTION 161.** ORS 823.023 is amended to read:

14 823.023. (1) The Department of Transportation or authorized representatives may enter upon any
 15 premises, or any equipment, rolling stock or facilities operated or occupied by any motor carrier
 16 [*or railroad*] for the purpose of making any inspection, examination or test reasonably required in
 17 the administration of ORS chapters 823, 824, 825 and 826, and to set up and use on such premises,
 18 equipment, rolling stock or facilities any apparatus or appliance and occupy reasonable space
 19 therefor.

20 (2) The department or authorized representatives shall, upon demand, have the right to inspect
 21 the books, accounts, papers, records and memoranda of any motor carrier [*or railroad*] and to ex-
 22 amine under oath any officer, agent or employee of such motor carrier [*or railroad*] in relation to
 23 its business and affairs.

24 (3) Any person who on behalf of the department makes demand of a motor carrier [*or railroad*]
 25 for an examination, inspection or test shall, upon request therefor, produce a certificate under the
 26 seal of the department showing authority to make such examination, inspection or test.

27 (4) The department or authorized representatives shall, upon demand, have the right to enter
 28 any premises of a business that the department has reasonable cause to believe tendered for ship-
 29 ment, by motor [*or rail*], any hazardous material and to make any examination, inspection or test
 30 reasonably required to determine compliance with the health and safety regulations administered
 31 or enforced by the department. Any person, who on behalf of the department demands to make an
 32 examination, inspection or test, shall produce upon request a certificate under the seal of the de-
 33 partment showing authority to make the examination, inspection or test.

34 (5) Nothing in this section authorizes the department to use any information developed there-
 35 under for any purpose inconsistent with any statute governing motor carriers [*or railroads*] and
 36 administered by the department or to make a disclosure thereof for other than regulatory purposes.

37 **SECTION 162.** **(1) The Oregon Rail and Transit Department or authorized representatives**
 38 **may enter upon any premises, or any equipment, rolling stock or facilities operated or oc-**
 39 **cupied by any railroad for the purpose of making any inspection, examination or test, and**
 40 **to set up and use on such premises, equipment, rolling stock or facilities any apparatus or**
 41 **appliance and occupy reasonable space therefor.**

42 **(2) The department or authorized representatives shall, upon demand, have the right to**
 43 **inspect the books, accounts, papers, records and memoranda of any railroad and to examine**
 44 **under oath any officer, agent or employee of such railroad in relation to its business and**
 45 **affairs.**

1 **(3) Any person who on behalf of the department makes demand of a railroad for an ex-**
 2 **amination, inspection or test shall, upon request therefor, produce a certificate under the**
 3 **seal of the department showing authority to make such examination, inspection or test.**

4 **(4) The department or authorized representatives shall, upon demand, have the right to**
 5 **enter any premises of a business that the department has reasonable cause to believe**
 6 **tendered for shipment, by rail, any hazardous material and to make any examination, in-**
 7 **spection or test reasonably required to determine compliance with the health and safety**
 8 **regulations administered or enforced by the department. Any person, who on behalf of the**
 9 **department demands to make an examination, inspection or test, shall produce upon request**
 10 **a certificate under the seal of the department showing authority to make the examination,**
 11 **inspection or test.**

12 **(5) Nothing in this section authorizes the department to use any information developed**
 13 **thereunder for any purpose inconsistent with any statute governing railroads and adminis-**
 14 **tered by the department or to make a disclosure thereof for other than regulatory purposes.**

15 **SECTION 163.** ORS 823.025 is amended to read:

16 823.025. (1) The Department of Transportation may require by rule, or by order or subpoena to
 17 be served on any motor carrier [*or railroad*], the maintaining within this state or the production
 18 within this state at such time and place as the department may designate, of any books, accounts,
 19 papers or records kept by such motor carrier [*or railroad*] in any office or place within or without
 20 this state, or verified copies in lieu thereof, if the department so orders, in order that an examina-
 21 tion thereof may be made by the department or under direction of the department.

22 (2) When a motor carrier [*or railroad*] keeps and maintains its books, accounts, papers or re-
 23 cords outside the state, the department may examine such documents and shall be reimbursed by the
 24 motor carrier [*or railroad*] for all expenses incurred in making such out-of-state examination.

25 **SECTION 164.** (1) **The Oregon Rail and Transit Department may require by rule, or by**
 26 **order or subpoena to be served on any railroad, the maintaining within this state or the**
 27 **production within this state at such time and place as the department may designate, of any**
 28 **books, accounts, papers or records kept by such railroad in any office or place within or**
 29 **without this state, or verified copies in lieu thereof, if the department so orders, in order**
 30 **that an examination thereof may be made by the department or under direction of the de-**
 31 **partment.**

32 (2) **When a railroad keeps and maintains its books, accounts, papers or records outside**
 33 **the state, the department may examine such documents and shall be reimbursed by the**
 34 **railroad for all expenses incurred in making such out-of-state examination.**

35 **SECTION 165.** ORS 823.027 is amended to read:

36 823.027. (1) Every motor carrier [*and railroad*] shall furnish to the Department of Transportation
 37 all information required by the department to carry into effect the provisions of ORS chapters 823,
 38 824, 825 and 826 and shall make specific answers to all questions submitted by the department.

39 (2) If a motor carrier [*or railroad*] is unable to furnish any information required under subsection
 40 (1) of this section for any reason beyond its control, it is a good and sufficient reason for such
 41 failure. The answer or information shall be verified under oath and returned to the department at
 42 the department's office within the period fixed by the department.

43 **SECTION 166.** (1) **Every railroad shall furnish to the Oregon Rail and Transit Department**
 44 **all information required by the department to carry into effect the provisions of ORS chap-**
 45 **ters 823, 824, 825 and 826 and shall make specific answers to all questions submitted by the**

1 **department.**

2 **(2) If a railroad is unable to furnish any information required under subsection (1) of this**
 3 **section for any reason beyond its control, it is a good and sufficient reason for such failure.**
 4 **The answer or information shall be verified under oath and returned to the department at**
 5 **the department's office within the period fixed by the department.**

6 **SECTION 167.** ORS 823.029 is amended to read:

7 823.029. [No] **An officer, agent or employee of any motor carrier [or railroad shall] may not:**

8 (1) Fail or refuse to provide any information or document required by the Department of
 9 Transportation;

10 (2) Fail or refuse to answer any question therein propounded;

11 (3) Knowingly or willfully give a false answer to any such question or evade the answer to any
 12 such question where the fact inquired of is within the person's knowledge;

13 (4) Upon proper demand, fail or refuse to exhibit to the department or any person authorized to
 14 examine the same, any book, paper, account, record or memorandum of the motor carrier [or rail-
 15 road] that is in possession or under the control of the person;

16 (5) Fail to properly use and keep a system of accounting or any part thereof, as prescribed by
 17 the department; or

18 (6) Refuse to do any act or thing in connection with such system of accounting when so directed
 19 by the department or authorized representative.

20 **SECTION 168.** **An officer, agent or employee of any railroad may not:**

21 **(1) Fail or refuse to provide any information or document required by the Oregon Rail**
 22 **and Transit Department;**

23 **(2) Fail or refuse to answer any question therein propounded;**

24 **(3) Knowingly or willfully give a false answer to any such question or evade the answer**
 25 **to any such question where the fact inquired of is within the person's knowledge;**

26 **(4) Upon proper demand, fail or refuse to exhibit to the department or any person au-**
 27 **thorized to examine the same, any book, paper, account, record or memorandum of the**
 28 **railroad that is in possession or under the control of the person;**

29 **(5) Fail to properly use and keep a system of accounting or any part thereof, as pre-**
 30 **scribed by the department; or**

31 **(6) Refuse to do any act or thing in connection with such system of accounting when so**
 32 **directed by the department or authorized representative.**

33 **SECTION 169.** ORS 823.031 is amended to read:

34 823.031. (1) The Department of Transportation may investigate any complaint filed against a
 35 person whose business or activities are regulated by one or more of the statutes regarding motor
 36 carriers [or railroads], jurisdiction for the enforcement or regulation of which is conferred upon the
 37 department.

38 (2) Any hearing held as a result of a complaint or investigation under subsection (1) of this
 39 section shall be a contested case hearing, in the manner provided in ORS 183.413 to 183.497.

40 **SECTION 170.** **(1) The Oregon Rail and Transit Department may investigate any com-**
 41 **plaint filed against a person whose business or activities are regulated by one or more of the**
 42 **statutes regarding railroads, jurisdiction for the enforcement or regulation of which is con-**
 43 **ferred upon the department.**

44 **(2) Any hearing held as a result of a complaint or investigation under subsection (1) of**
 45 **this section shall be a contested case hearing, in the manner provided in ORS 183.413 to**

1 **183.497.**

2 **SECTION 171.** ORS 823.033 is amended to read:

3 823.033. (1) Whenever the Department of Transportation believes that any rate subject to regu-
4 lation by the department may be unreasonable or unjustly discriminatory, or that any service sub-
5 ject to regulation by the department is unsafe or inadequate, or is not afforded, or that an
6 investigation of any matter relating to any motor carrier[, *railroad*] or other person should be made,
7 or relating to any person to determine if such person is subject to the department's regulatory ju-
8 risdiction, the department may on its own motion summarily investigate any such matter, with or
9 without notice.

10 (2) The department may, after making an investigation on the department's motion, provide no-
11 tice to the motor carrier[, *railroad*] or other person of the department's proposed action or may,
12 without notice or hearing, make such findings and orders as the department deems justified or re-
13 quired by the results of such investigation.

14 (3) Any party aggrieved by a notice of proposed action or by an order entered pursuant to
15 subsection (2) of this section may request the department to hold a hearing pursuant to ORS 183.413
16 to 183.497.

17 (4) An order issued under this section prior to a hearing shall be stayed pending the outcome
18 of the hearing unless the department finds that the order is necessary to protect the public health,
19 safety or environment.

20 **SECTION 172.** (1) **Whenever the Oregon Rail and Transit Department believes that any**
21 **rate subject to regulation by the department may be unreasonable or unjustly**
22 **discriminatory, or that any service subject to regulation by the department is unsafe or in-**
23 **adequate, or is not afforded, or that an investigation of any matter relating to any railroad**
24 **should be made, or relating to any person to determine if such person is subject to the**
25 **department's regulatory jurisdiction, the department may on its own motion summarily in-**
26 **vestigate any such matter, with or without notice.**

27 **(2) The department may, after making an investigation on the department's motion,**
28 **provide notice to the railroad of the department's proposed action or may, without notice**
29 **or hearing, make such findings and orders as the department deems justified or required by**
30 **the results of such investigation.**

31 **(3) Any party aggrieved by a notice of proposed action or by an order entered pursuant**
32 **to subsection (2) of this section may request the department to hold a hearing pursuant to**
33 **ORS 183.413 to 183.497.**

34 **(4) An order issued under this section prior to a hearing shall be stayed pending the**
35 **outcome of the hearing unless the department finds that the order is necessary to protect**
36 **the public health, safety or environment.**

37 **SECTION 173.** ORS 823.035 is amended to read:

38 823.035. (1) Notwithstanding ORS 9.320 and 823.031 (2), an individual who is not an attorney may
39 represent that individual or other persons who consent to such representation at any proceeding
40 before the Department of Transportation involving the regulation of transportation matters pursuant
41 to ORS chapter 825.

42 *[(2) Notwithstanding ORS 9.320 and 823.031 (2), an individual who is not an attorney may repre-*
43 *sent that individual or labor organizations, railroads, motor carriers or government agencies who*
44 *consent to such representation in any proceeding before the department involving the regulation of*
45 *transportation matters pursuant to ORS 824.020 to 824.042, 824.050 to 824.110 and 824.200 to*

1 824.256.]

2 [(3)] (2) Notwithstanding ORS 9.320 and 823.031 (2), an individual who is not an attorney may
3 represent that individual or other persons who consent to such representation in any proceeding
4 before the department involving the regulation of transportation matters pursuant to ORS chapter
5 826.

6 [(4)] (3) Any compromises, agreements, admissions, stipulations, statements of fact or other such
7 action taken by the representative at any such proceeding is binding on those represented to the
8 same extent as if done by an attorney. A person so represented may not thereafter claim that any
9 such proceeding was legally defective because the person was not represented by an attorney.

10 [(5)] (4) As used in this section, "attorney" has the meaning for that term provided in ORS 9.005.

11 **SECTION 174.** (1) **Notwithstanding ORS 9.320 and section 170 (2) of this 2025 Act, an in-**
12 **dividual who is not an attorney may represent that individual or labor organizations, rail-**
13 **roads or government agencies who consent to such representation in any proceeding before**
14 **the Oregon Rail and Transit Department involving the regulation of transportation matters**
15 **pursuant to ORS 824.020 to 824.042, 824.050 to 824.110 and 824.200 to 824.256.**

16 (2) **Any compromises, agreements, admissions, stipulations, statements of fact or other**
17 **such action taken by the representative at any such proceeding is binding on those repres-**
18 **ented to the same extent as if done by an attorney. A person so represented may not**
19 **thereafter claim that any such proceeding was legally defective because the person was not**
20 **represented by an attorney.**

21 (3) **As used in this section, "attorney" has the meaning for that term provided in ORS**
22 **9.005.**

23 **SECTION 175.** ORS 823.037 is amended to read:

24 823.037. On petition of any interested person, the Department of Transportation may issue a
25 declaratory ruling with respect to the applicability to any person, property, or state of facts of any
26 rule or statute regarding motor carriers [*or railroads*] that is enforceable by the department. A
27 declaratory ruling is binding between the department and the petitioner on the state of facts alleged,
28 unless it is modified, vacated or set aside by the Court of Appeals. However, the department may
29 review the ruling and modify, vacate or set it aside if requested by the petitioner or other party to
30 the proceeding. Binding rulings provided by this section are subject to review in the Court of Ap-
31 peals in the manner provided in ORS 183.480 for the review of orders in contested cases.

32 **SECTION 176.** **On petition of any interested person, the Oregon Rail and Transit De-**
33 **partment may issue a declaratory ruling with respect to the applicability to any person,**
34 **property, or state of facts of any rule or statute regarding railroads that is enforceable by**
35 **the department. A declaratory ruling is binding between the department and the petitioner**
36 **on the state of facts alleged, unless it is modified, vacated or set aside by the Court of Ap-**
37 **peals. However, the department may review the ruling and modify, vacate or set it aside if**
38 **requested by the petitioner or other party to the proceeding. Binding rulings provided by this**
39 **section are subject to review in the Court of Appeals in the manner provided in ORS 183.480**
40 **for the review of orders in contested cases.**

41 **SECTION 177.** **A person may not destroy, injure or interfere with any apparatus or ap-**
42 **pliance owned or operated by or in charge of the Oregon Rail and Transit Department, or**
43 **any apparatus or appliance sealed by the department.**

44 **SECTION 178.** ORS 823.061 is amended to read:

45 823.061. The federal hazardous material safety regulations adopted, implemented or enforced by

1 the Department of Transportation shall be applicable to any person who transports, or causes to be
 2 transported, by motor [*or rail*], a hazardous material. The department shall define hazardous mate-
 3 rial by rule. The definition shall be consistent with federal definitions of the term.

4 **SECTION 179. The federal hazardous material safety regulations adopted, implemented**
 5 **or enforced by the Oregon Rail and Transit Department shall be applicable to any person**
 6 **who transports, or causes to be transported, by rail, a hazardous material. The department**
 7 **shall define hazardous material by rule. The definition shall be consistent with federal defi-**
 8 **nitions of the term.**

9 **SECTION 180.** ORS 823.071 is amended to read:

10 823.071. As used in ORS 823.073 and 823.075, the following terms have the following meanings:

11 (1) "Agency" means any place provided by a for-hire carrier for the accommodation of the public
 12 in the receipt, delivery, billing or routing of freight, or in the loading or discharge of passengers,
 13 at which an agent is provided to serve the public.

14 (2) "Agent" means the person in charge of the transaction of business with the public at any
 15 [*station or*] agency.

16 (3) "Common carrier" means [*any railroad as defined in ORS 824.020, and*] any for-hire carrier
 17 by motor vehicle as defined in ORS 825.005 if the carrier transports persons.

18 **SECTION 181.** ORS 823.081 is amended to read:

19 823.081. (1) The Department of Transportation shall inquire into any neglect or violation of any
 20 law of this state, or any law or ordinance of any municipality thereof, relating to motor carriers
 21 [*or railroads*] by any motor carrier [*or railroad*] doing business therein, its officers, agents or em-
 22 ployees and shall enforce all laws of this state relating to motor carriers [*and railroads*] and may
 23 enforce all such laws and ordinances of a municipality. The department shall report all violations
 24 of any such laws or ordinances to the Attorney General.

25 (2) The Attorney General, district attorney of each county, all state, county and city police of-
 26 ficers and police officers commissioned by a university under ORS 352.121 or 353.125 shall assist the
 27 department in the administration and enforcement of all laws related to motor carriers [*and rail-*
 28 *roads*] administered by the department, and they, as well as assistants and employees of the de-
 29 partment, shall inform against and diligently prosecute all persons whom they have reasonable cause
 30 to believe guilty of the violation of any such laws or of the rules, regulations, orders, decisions or
 31 requirements of the department made pursuant thereto.

32 (3) Upon the request of the department, the Attorney General or the district attorney of the
 33 proper county shall aid in any investigation, hearing or trial, and shall institute and prosecute all
 34 necessary suits, actions or proceedings for the enforcement of those laws and ordinances referred
 35 to in subsection (1) of this section.

36 (4) Any forfeiture or penalty provided for in any law regarding motor carriers [*or railroads*]
 37 administered by the department shall be recovered by an action brought thereon in the name of the
 38 State of Oregon in any court of appropriate jurisdiction or as provided in ORS 183.745.

39 **SECTION 182. (1) The Oregon Rail and Transit Department shall inquire into any neglect**
 40 **or violation of any law of this state, or any law or ordinance of any municipality thereof,**
 41 **relating to railroads by any railroad doing business therein, its officers, agents or employees**
 42 **and shall enforce all laws of this state relating to railroads and may enforce all such laws**
 43 **and ordinances of a municipality. The department shall report all violations of any such laws**
 44 **or ordinances to the Attorney General.**

45 (2) The Attorney General, district attorney of each county, all state, county and city

1 **police officers and police officers commissioned by a university under ORS 352.121 or 353.125**
 2 **shall assist the department in the administration and enforcement of all laws related to**
 3 **railroads administered by the department, and they, as well as assistants and employees of**
 4 **the department, shall inform against and diligently prosecute all persons whom they have**
 5 **reasonable cause to believe guilty of the violation of any such laws or of the rules, regu-**
 6 **lations, orders, decisions or requirements of the department made pursuant thereto.**

7 **(3) Upon the request of the department, the Attorney General or the district attorney**
 8 **of the proper county shall aid in any investigation, hearing or trial, and shall institute and**
 9 **prosecute all necessary suits, actions or proceedings for the enforcement of those laws and**
 10 **ordinances referred to in subsection (1) of this section.**

11 **(4) Any forfeiture or penalty provided for in any law regarding railroads administered by**
 12 **the department shall be recovered by an action brought thereon in the name of the State**
 13 **of Oregon in any court of appropriate jurisdiction or as provided in ORS 183.745.**

14 **SECTION 183.** ORS 823.083 is amended to read:

15 823.083. (1) Whenever it appears to the Department of Transportation that any motor carrier[,
 16 *railroad*] or any other person subject to the jurisdiction of the department is engaged or about to
 17 engage in any acts or practices that constitute a violation of any statute regarding motor carriers
 18 [*or railroads*] administered by the department, or any rule, regulation, requirement, order, term or
 19 condition issued thereunder, the department may apply to any circuit court of the state where such
 20 motor carrier[, *railroad*] or any other person subject to the jurisdiction of the department operates
 21 for the enforcement of such statute, rule, regulation, requirement, order, term or condition.

22 (2) Such court, without bond, has jurisdiction to enforce obedience thereto by injunction, or by
 23 other processes, mandatory or otherwise, restraining such motor carrier[, *railroad*] or any other
 24 person subject to the jurisdiction of the department, or its officers, agents, employees and repre-
 25 sentatives from further violations of such statute, rule, regulation, requirement, order, term or con-
 26 dition, and enjoining upon them obedience thereto.

27 (3) The provisions of this section are in addition to and not in lieu of any other enforcement
 28 provisions contained in any statute administered by the department.

29 **SECTION 184.** (1) **Whenever it appears to the Oregon Rail and Transit Department that**
 30 **any railroad subject to the jurisdiction of the department is engaged or about to engage in**
 31 **any acts or practices that constitute a violation of any statute regarding railroads adminis-**
 32 **tered by the department, or any rule, regulation, requirement, order, term or condition is-**
 33 **sued thereunder, the department may apply to any circuit court of the state where the**
 34 **railroad subject to the jurisdiction of the department operates for the enforcement of such**
 35 **statute, rule, regulation, requirement, order, term or condition.**

36 (2) Such court, without bond, has jurisdiction to enforce obedience thereto by injunction,
 37 or by other processes, mandatory or otherwise, restraining the railroad subject to the ju-
 38 risdiction of the department, or its officers, agents, employees and representatives from
 39 further violations of such statute, rule, regulation, requirement, order, term or condition,
 40 and enjoining upon them obedience thereto.

41 (3) The provisions of this section are in addition to and not in lieu of any other enforce-
 42 ment provisions contained in any statute administered by the department.

43 **SECTION 185.** ORS 823.101 is amended to read:

44 823.101. (1) Any for-hire carrier[, *railroad*] or transportation company receiving property for
 45 transportation wholly within this state, from one point in this state to another point in this state,

1 shall issue in accordance with the applicable provisions of ORS chapter 77 a receipt or bill of lading
 2 therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such
 3 property caused by it, or by any common carrier to which such property may be delivered, or over
 4 whose line or lines such property may pass, when transported on a through bill of lading. No con-
 5 tract, receipt, rule, regulation or other limitation of any character whatsoever shall exempt such
 6 for-hire carrier[, *railroad*] or transportation company from such liability.

7 (2) Any for-hire carrier[, *railroad*] or transportation company so receiving property for trans-
 8 portation wholly within this state shall be liable to the lawful holder of such receipt or bill of lading,
 9 or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued
 10 or not, for the full actual loss, damage or injury to such property caused by it, or by any common
 11 carrier to which such property may be delivered, or over whose line such property may pass when
 12 transported on a through bill of lading, notwithstanding any limitation of liability or limitation of
 13 the amount of recovery, or representation or agreement as to value in any such receipt or bill of
 14 lading, or in any contract, rule or regulation, or in any tariff filed with the Department of Trans-
 15 portation; and any such limitation, irrespective of the manner or form in which it is sought to be
 16 made, is unlawful and void.

17 (3) The provisions of subsection (2) of this section respecting liability for full actual loss, damage
 18 or injury, shall not apply:

19 (a) To baggage carried on passenger trains or boats, or trains or boats carrying passengers.

20 (b) To property, except ordinary livestock, concerning which the carrier is expressly authorized
 21 or required by order of the Department of Transportation to establish and maintain rates dependent
 22 upon the value declared in writing by the shipper or agreed upon in writing as the released value
 23 of the property. "Ordinary livestock" includes all cattle, swine, sheep, goats, horses and mules,
 24 except such as are chiefly used for breeding, racing, show purposes or other special uses.

25 (4) The Department of Transportation may make the order referred to in subsection (3)(b) of this
 26 section in cases where rates dependent upon and varying with declared or agreed values would, in
 27 the opinion of the department, be just and reasonable under the circumstances and conditions sur-
 28 rounding the transportation. Any tariff schedule filed with the department pursuant to such order
 29 shall contain specific reference thereto and may establish rates varying with the value so declared
 30 and agreed upon.

31 **SECTION 186. (1) Any railroad receiving property for transportation wholly within this**
 32 **state, from one point in this state to another point in this state, shall issue in accordance**
 33 **with the applicable provisions of ORS chapter 77 a receipt or bill of lading therefor, and shall**
 34 **be liable to the lawful holder thereof for any loss, damage or injury to such property caused**
 35 **by it, or by any railroad to which such property may be delivered, or over whose line or lines**
 36 **such property may pass, when transported on a through bill of lading. No contract, receipt,**
 37 **rule, regulation or other limitation of any character whatsoever shall exempt such railroad**
 38 **from such liability.**

39 **(2) Any railroad so receiving property for transportation wholly within this state shall**
 40 **be liable to the lawful holder of such receipt or bill of lading, or to any party entitled to re-**
 41 **cover thereon, whether such receipt or bill of lading has been issued or not, for the full ac-**
 42 **tual loss, damage or injury to such property caused by it, or by any railroad to which such**
 43 **property may be delivered, or over whose line such property may pass when transported on**
 44 **a through bill of lading, notwithstanding any limitation of liability or limitation of the**
 45 **amount of recovery, or representation or agreement as to value in any such receipt or bill**

1 of lading, or in any contract, rule or regulation, or in any tariff filed with the Oregon Rail
 2 and Transit Department; and any such limitation, irrespective of the manner or form in
 3 which it is sought to be made, is unlawful and void.

4 (3) The provisions of subsection (2) of this section respecting liability for full actual loss,
 5 damage or injury, shall not apply:

6 (a) To baggage carried on passenger trains or boats, or trains or boats carrying passen-
 7 gers.

8 (b) To property, except ordinary livestock, concerning which the railroad is expressly
 9 authorized or required by order of the department to establish and maintain rates dependent
 10 upon the value declared in writing by the shipper or agreed upon in writing as the released
 11 value of the property. "Ordinary livestock" includes all cattle, swine, sheep, goats, horses
 12 and mules, except such as are chiefly used for breeding, racing, show purposes or other
 13 special uses.

14 (4) The department may make the order referred to in subsection (3)(b) of this section
 15 in cases where rates dependent upon and varying with declared or agreed values would, in
 16 the opinion of the department, be just and reasonable under the circumstances and condi-
 17 tions surrounding the transportation. Any tariff schedule filed with the department pursuant
 18 to such order shall contain specific reference thereto and may establish rates varying with
 19 the value so declared and agreed upon.

20 **SECTION 187.** ORS 823.103 is amended to read:

21 823.103. A for-hire carrier[, *railroad*] or transportation company referred to in ORS 823.101 may
 22 not provide by rule, contract, regulation or otherwise a period for filing claims described in ORS
 23 823.101 shorter than the following:

24 (1) Nine months after delivery of property or after reasonable time for delivery has elapsed for
 25 filing of claims in writing, except that if the carrier is a for-hire carrier of household goods, three
 26 months.

27 (2) Two years for the institution of suits. The period for institution of suits shall be computed
 28 from the day when notice is given by the carrier to the claimant that the carrier has disallowed all
 29 or any part of the claim specified in the notice.

30 **SECTION 188.** A railroad referred to in section 186 of this 2025 Act may not provide by
 31 rule, contract, regulation or otherwise a period for filing claims described in section 186 of
 32 this 2025 Act shorter than the following:

33 (1) Nine months after delivery of property or after reasonable time for delivery has
 34 elapsed for filing of claims in writing.

35 (2) Two years for the institution of suits. The period for institution of suits shall be
 36 computed from the day when notice is given by the railroad to the claimant that the railroad
 37 has disallowed all or any part of the claim specified in the notice.

38 **SECTION 189.** A railroad, its director or officer, receiver, trustee, lessee, agent or person
 39 acting for or employed by it, alone or with any other person, may not willfully do or cause
 40 to be done, or willingly suffer or permit to be done, any act, matter or thing prohibited or
 41 declared to be unlawful in sections 186 and 188 of this 2025 Act, or aid or abet therein, or
 42 willfully omit or fail to do any act, matter or thing required to be done by sections 186 and
 43 188 of this 2025 Act or cause or willingly suffer or permit any act, matter or thing so directed
 44 or required by sections 186 and 188 of this 2025 Act to be done, or not to be so done, or aid
 45 or abet any such omission or failure.

1 **SECTION 190.** ORS 823.991 is amended to read:

2 823.991. (1) Any motor carrier [*or railroad*] that fails to comply with an order or subpoena issued
3 pursuant to ORS 823.025 shall pay a civil penalty, for each day it so fails, of not less than \$50 nor
4 more than \$500.

5 (2) Except where a penalty is otherwise provided by law, any motor carrier [*or railroad*] shall
6 pay a civil penalty of not less than \$100 nor more than \$10,000 for each time that the motor carrier
7 [*or railroad*]:

8 (a) Violates any statute regarding motor carriers [*or railroads*], as appropriate, administered by
9 the Department of Transportation;

10 (b) Does any act prohibited, or fails to perform any duty enjoined upon the motor carrier [*or*
11 *railroad*];

12 (c) Fails to obey any lawful requirement or order made by the department; or

13 (d) Fails to obey any judgment made by any court upon the application of the department.

14 (3) Violation of ORS 823.029 is punishable after issuance of a final order by the department, by
15 a civil penalty of not less than \$1,000 for each offense. A penalty of not less than \$500 nor more than
16 \$1,000 shall be recovered from the motor carrier [*or railroad*] for each such offense when such offi-
17 cer, agent or employee acted in obedience to the direction, instruction or request of the motor car-
18 rier [*or railroad*], or any general officer thereof.

19 (4) Violation of ORS 823.029 is a Class A violation.

20 (5) Violation of ORS 823.051 is a Class C misdemeanor. Any motor carrier [*or railroad*] that
21 knowingly permits the violation of ORS 823.051 shall forfeit, upon conviction, not more than \$1,000
22 for each offense.

23 (6) In construing and enforcing this section, the act, omission or failure of any officer, agent or
24 other person acting for or employed by any motor carrier [*or railroad*] shall in every case be deemed
25 to be the act, omission or failure of such motor carrier [*or railroad*]. With respect to any violation
26 of any statute administered by the department regarding motor carriers [*or railroads*], any penalty
27 provision applying to such a violation by a motor carrier [*or railroad*] shall apply to such a violation
28 by any other person.

29 (7) Except as provided in ORS 824.019 and 825.326, and except when provided by law that a
30 penalty, forfeiture or other sum be paid to the aggrieved party, all penalties or forfeitures collected
31 from persons subject to the regulatory authority of the department under ORS chapters 823, 824, 825
32 and 826 shall be paid into the General Fund and credited to the Motor Carrier Account if collected
33 from a motor carrier and to the Railroad Fund created under ORS 824.014 (1) if collected from a
34 railroad.

35 (8) Violation of ORS 823.105 is punishable, after issuance of a final order by the department, by
36 a civil penalty of not more than \$5,000 for each offense.

37 (9) Violation of ORS 823.105 is a specific fine violation punishable by a fine of not more than
38 \$5,000 for each offense.

39 (10) Civil penalties under this section shall be imposed in the manner provided by ORS 183.745.

40 **SECTION 191.** (1) Any railroad that fails to comply with an order or subpoena issued
41 pursuant to section 164 of this 2025 Act shall pay a civil penalty, for each day it so fails, of
42 not less than \$50 nor more than \$500.

43 (2) Except where a penalty is otherwise provided by law, any railroad shall pay a civil
44 penalty of not less than \$100 nor more than \$10,000 for each time that the railroad:

45 (a) Violates any statute regarding railroads, as appropriate, administered by the Oregon

1 **Rail and Transit Department;**

2 (b) Does any act prohibited, or fails to perform any duty enjoined upon the railroad;

3 (c) Fails to obey any lawful requirement or order made by the department; or

4 (d) Fails to obey any judgment made by any court upon the application of the department.

5 (3) Violation of section 168 of this 2025 Act is punishable after issuance of a final order
6 by the department, by a civil penalty of not less than \$1,000 for each offense. A penalty of
7 not less than \$500 nor more than \$1,000 shall be recovered from the railroad for each such
8 offense when such officer, agent or employee acted in obedience to the direction, instruction
9 or request of the railroad, or any general officer thereof.

10 (4) Violation of section 168 of this 2025 Act is a Class A violation.

11 (5) Violation of section 177 of this 2025 Act is a Class C misdemeanor. Any railroad that
12 knowingly permits the violation of section 177 of this 2025 Act shall forfeit, upon conviction,
13 not more than \$1,000 for each offense.

14 (6) In construing and enforcing this section, the act, omission or failure of any officer,
15 agent or other person acting for or employed by any railroad shall in every case be deemed
16 to be the act, omission or failure of such railroad. With respect to any violation of any
17 statute administered by the department regarding railroads, any penalty provision applying
18 to such a violation by a railroad shall apply to such a violation by any other person.

19 (7) Except as provided in ORS 824.019, and except when provided by law that a penalty,
20 forfeiture or other sum be paid to the aggrieved party, all penalties or forfeitures collected
21 from persons subject to the regulatory authority of the department under ORS chapter 824
22 shall be paid into the General Fund and credited to the Motor Carrier Account if collected
23 from a motor carrier and to the Railroad Fund created under ORS 824.014 (1) if collected
24 from a railroad.

25 (8) Violation of section 189 of this 2025 Act is punishable, after issuance of a final order
26 by the department, by a civil penalty of not more than \$5,000 for each offense.

27 (9) Violation of section 189 of this 2025 Act is a specific fine violation punishable by a fine
28 of not more than \$5,000 for each offense.

29 (10) Civil penalties under this section shall be imposed in the manner provided by ORS
30 183.745.

31
32 **GENERAL PROVISIONS**

33
34 **SECTION 192.** (1) The Oregon Rail and Transit Department shall work with the
35 Washington State Department of Transportation, the British Columbia Ministry of Trans-
36 portation and Transit and other public bodies, as appropriate, to document and memorialize,
37 in whatever form is the most appropriate, a shared regional approach to Cascades passenger
38 rail planning, funding and communications including:

39 (a) Developing a plan to document the shared vision, goals and objectives for passenger
40 rail service and freight rail service within the Cascades Rail Corridor.

41 (b) Developing a plan to achieve performance goals, manage fleet assets, share costs,
42 prioritize investments, improve infrastructure and resolve interagency disputes.

43 (c) Proposing funding options to the respective legislative bodies to support the
44 infrastructure improvements and operation of passenger and freight trains within the corri-
45 dor.

1 (d) Developing federal funding applications consistent with the shared plans described in
2 paragraphs (a) and (b) of this subsection.

3 (e) Developing a stakeholder outreach program.

4 (f) Overseeing operations and marketing of daily passenger rail service in the corridor.

5 (2) The Oregon Rail and Transit Department may enter into agreements with the
6 Washington State Department of Transportation to coordinate shared passenger rail service
7 development plans.

8 (3) As used in this section, “public body” has the meaning given that term in ORS 174.109.

9 **SECTION 193.** Before January 1 of each odd-numbered year, the Oregon Rail and Transit
10 Department shall submit a report to the Joint Committee on Transportation, in the manner
11 provided in ORS 192.245, about the following:

12 (1) The status of the shared regional approach and plans with the Washington State De-
13 partment of Transportation and the British Columbia Ministry of Transportation and Transit
14 regarding transportation by rail within the Cascades Rail Corridor.

15 (2) The performance of passenger rail service within the corridor.

16 (3) The financial status of the corridor and financial needs for passenger rail service
17 within the corridor.

18 **SECTION 194.** The Oregon Rail and Transit Department may enter into agreements with
19 the Washington State Department of Transportation and other governmental entities in or-
20 der to collaborate on developing shared objectives for passenger and freight rail, developing
21 regional approaches to rail infrastructure improvements and enabling joint proposals to fed-
22 eral and other funding sources.

23 **SECTION 195.** ORS 824.410 is repealed.

24
25 **CAPTIONS**

26
27 **SECTION 196.** The unit captions used in this 2025 Act are provided only for the conven-
28 ience of the reader and do not become part of the statutory law of this state or express any
29 legislative intent in the enactment of this 2025 Act.

30
31 **EFFECTIVE DATE**

32
33 **SECTION 197.** This 2025 Act takes effect on the 91st day after the date on which the 2025
34 regular session of the Eighty-third Legislative Assembly adjourns sine die.