

B-Engrossed
House Bill 3379

Ordered by the Senate June 3
Including House Amendments dated May 1 and Senate Amendments dated
June 3

Sponsored by Representatives D EDWARDS, HUFFMAN, WHISNANT, Senator TELFER; Representatives BEYER, HOLVEY, SCHAUFLER, STIEGLER, Senators FERRIOLI, STARR

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.

Allows local governments that are unable to meet funding requirements of transportation planning rule adopted by Land Conservation and Development Commission to apply for extensions, submit alternative plans for funding or apply to adjust various traffic performance measures. Limits number of extensions and plans that may be approved.

Directs Department of Transportation to determine if funds deposited into Oregon Streetcar Project Fund are sufficient to purchase newly constructed streetcars. Directs department to report on determination to specified legislative interim committee on or before January 1, 2010.

Specifies circumstances in which chapter _____, Oregon Laws 2009 (Enrolled House Bill 2001), is severable in event that part of chapter _____, Oregon Laws 2009 (Enrolled House Bill 2001), is referred to people by petition under section 1 (3), Article IV of Oregon Constitution.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; and declaring an emergency.

3 Whereas in March 2005, the Land Conservation and Development Commission, responding in
4 part to a decision of the Oregon Court of Appeals, amended OAR 660-012-0060, the transportation
5 planning rule, to require assurance of planned transportation system projects and reasonably likely
6 funding mechanisms to ensure that the transportation system's mobility standards are satisfied if a
7 proposed comprehensive plan or land use regulation amendment would result in an existing or
8 planned transportation facility failing to meet adopted performance standards at any time during the
9 local jurisdiction's 15- to 20-year planning period; and

10 Whereas lack of state funding for transportation system projects has precluded state partic-
11 ipation in funding mechanisms and funding responsibility for necessary improvements to the state
12 highway system identified in the transportation system plans of local jurisdictions seeking to expand
13 urban growth boundaries or rezone parcels necessary to increase land supply to accommodate eco-
14 nomic development projects; and

15 Whereas local government entities are limited in their ability to provide the transportation
16 infrastructure necessary to support economic development associated with amendments to their
17 comprehensive plans, including zone changes and urban growth boundary expansions, because of the
18 limited availability of federal, state and local funding for planned transportation projects as called
19 for in the transportation planning rule, and these limitations have led to a loss in jobs and a failure
20 to attract needed economic development projects in many communities throughout Oregon; now,

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 therefore,

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

3 **SECTION 1. (1) Subject to the limitations in subsection (2) of this section, if a local**
4 **government is unable to meet the funding requirements of the transportation planning rule**
5 **adopted by the Land Conservation and Development Commission, the local government may:**

6 (a) **Apply for an extension of time to meet the requirements;**

7 (b) **Submit a plan to the Oregon Transportation Commission and the Department of**
8 **Transportation proposing alternative methods of funding that will meet the standards**
9 **adopted by the Oregon Transportation Commission; or**

10 (c) **Apply to the Department of Transportation:**

11 (A) **To adjust various traffic performance measures during an interim period prior to**
12 **completion of construction of the development in question for a period of no more than 20**
13 **years; or**

14 (B) **To allow various types of traffic performance measures other than a volume to ca-**
15 **capacity ratio.**

16 (2) **The Oregon Transportation Commission may not approve more than four applications**
17 **for extension or alternative plans in each Department of Transportation region in a calendar**
18 **year. For purposes of this subsection, the regions are as follows:**

19 (a) **Region one consists of Clackamas, Columbia, Hood River, Multnomah and Washington**
20 **Counties.**

21 (b) **Region two consists of Benton, Clatsop, Lane, Lincoln, Linn, Marion, Polk, Tillamook**
22 **and Yamhill Counties.**

23 (c) **Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.**

24 (d) **Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake,**
25 **Sherman, Wasco and Wheeler Counties.**

26 (e) **Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and**
27 **Wallowa Counties.**

28 (3) **The Oregon Transportation Commission shall adopt rules for the administration of**
29 **this section. In adopting rules, the commission may not define under what circumstances a**
30 **local government is considered to be able to meet the funding requirements of the trans-**
31 **portation planning rule adopted by the Land Conservation and Development Commission.**

32 **SECTION 2. (1) The Department of Transportation shall undertake an evaluation to de-**
33 **termine if funds deposited into the Oregon Streetcar Project Fund, established under section**
34 **23, chapter 746, Oregon Laws 2007, are sufficient to meet the objectives of purchasing newly**
35 **constructed streetcars and supplying the streetcars to public transit systems in Oregon.**

36 (2) **If the department determines that additional funding is needed to make grants and**
37 **provide for administrative costs, as described in section 23, chapter 746, Oregon Laws 2007,**
38 **the department shall provide a recommendation to the Oregon Transportation Commission**
39 **that describes any funds available to the department that may be deposited into the Oregon**
40 **Streetcar Project Fund.**

41 (3) **No later than January 1, 2010, the department shall report to the legislative interim**
42 **committees on transportation on the determinations made by the department and any rec-**
43 **ommendations the department has made to the commission.**

44 **SECTION 3. (1) If any part of chapter _____, Oregon Laws 2009 (Enrolled House Bill**
45 **2001), is referred to the people by petition under section 1 (3), Article IV of the Oregon**

1 **Constitution, the remaining parts of chapter _____, Oregon Laws 2009 (Enrolled House Bill**
2 **2001), that are not referred to the people do not become operative unless the part that is**
3 **referred to the people by petition is approved by the people at an election.**

4 **(2) If any part of chapter _____, Oregon Laws 2009 (Enrolled House Bill 2001), is re-**
5 **ferred to the people by petition under section 1 (3), Article IV of the Oregon Constitution,**
6 **and the part that is referred to the people by petition is approved by the people at an**
7 **election, the remaining parts of chapter _____, Oregon Laws 2009 (Enrolled House Bill**
8 **2001), that are not referred to the people become operative on the effective date of the part**
9 **that is referred and approved.**

10 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
12 **on its passage.**

13 _____