

B-Engrossed
Senate Bill 128

Ordered by the House June 3
Including Senate Amendments dated April 20 and House Amendments
dated June 3

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Department of Transportation)

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.

Removes obsolete reporting dates for Road User Fee Task Force.

Requires specified amount of proceeds from Highway User Tax Bonds to be spent on transportation projects.

Requires Department of Transportation to consult with legislative committees related to transportation before expending certain federal general economic stimulus moneys.

Requires department to participate in meetings held by cooperating committee created pursuant to Multistate Highway Transportation Agreement.

[Specifies that ordinances by county with population of 350,000 or more may impose, until July 1, 2013, registration fees only for purpose of replacing Sellwood Bridge. Restricts use of bridge until July 1, 2013. Suspends, until July 1, 2013, certain provisions related to imposition of registration fees.]

Authorizes parking of up to seven dump trucks and up to seven trailers on lot or parcel of land zoned for forest use or mixed farm and forest use.

Repeals laws requiring development of congestion pricing pilot program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 184.843, 215.311 and 367.620; re-
3 pealing sections 3 and 4, chapter 865, Oregon Laws 2009; and declaring an emergency.

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

5 **SECTION 1.** ORS 184.843 is amended to read:

6 184.843. (1) There is created the Road User Fee Task Force.

7 (2) The purpose of the task force is to develop a design for revenue collection for Oregon's roads
8 and highways that will replace the current system for revenue collection. The task force shall con-
9 sider all potential revenue sources.

10 (3) The task force shall consist of 12 members, as follows:

11 (a) Two members shall be members of the House of Representatives, appointed by the Speaker
12 of the House of Representatives.

13 (b) Two members shall be members of the Senate, appointed by the President of the Senate.

14 (c) Four members shall be appointed by the Governor, the Speaker and the President acting
15 jointly. In making appointments under this paragraph, the appointing authorities shall consider in-
16 dividuals who are representative of the telecommunications industry, of highway user groups, of the
17 Oregon transportation research community and of national research and policy-making bodies such
18 as the Transportation Research Board and the American Association of State Highway and Trans-
19 portation Officials.

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 (d) One member shall be an elected city official, appointed by the Governor, the Speaker and the
2 President acting jointly.

3 (e) One member shall be an elected county official, appointed by the Governor, the Speaker and
4 the President acting jointly.

5 (f) Two members shall be members of the Oregon Transportation Commission, appointed by the
6 chairperson of the commission.

7 (4)(a) The term of a legislator appointed to the task force is four years except that the legislator
8 ceases to be a member of the task force when the legislator ceases to be a legislator. A legislator
9 may be reappointed to the task force.

10 (b) The term of a member of the task force appointed under subsection (3)(c) of this section is
11 four years and the member may be reappointed.

12 (c) The term of a member of the task force appointed under subsection (3)(d) or (e) of this section
13 is four years except that the member ceases to be a member of the task force when the member
14 ceases to be a city or county elected official. A city or county elected official may be reappointed
15 to the task force.

16 (d) The term of a member of the Oregon Transportation Commission appointed to the task force
17 is four years except that the member ceases to be a member of the task force when the member
18 ceases to be a member of the commission. A member of the commission may be reappointed to the
19 task force.

20 (5) A legislator appointed to the task force is entitled to per diem and other expense payments
21 as authorized by ORS 171.072 from funds appropriated to the Legislative Assembly. Other members
22 of the task force are entitled to compensation and expenses as provided in ORS 292.495.

23 (6) The Department of Transportation shall provide staff to the task force.

24 (7) The task force shall study alternatives to the current system of taxing highway use through
25 motor vehicle fuel taxes. The task force shall gather public comment on alternative approaches and
26 shall make recommendations to the Department of Transportation and the Oregon Transportation
27 Commission on the design of pilot programs to be used to test alternative approaches. The task force
28 may also make recommendations to the department and the commission on criteria to be used to
29 evaluate pilot programs. The task force may evaluate any pilot program implemented by the de-
30 partment and report the results of the evaluation to the Legislative Assembly, the department and
31 the commission.

32 *[(8) In addition to the requirements of subsection (9) of this section, the task force shall propose to*
33 *the Seventy-second Legislative Assembly options for the design of a revenue collection system for*
34 *Oregon's roads and highways that would replace the current system for revenue collection.]*

35 [(9)] (8) The task force shall report to each regular session of the Legislative Assembly on the
36 work of the task force, the department and the commission in designing, implementing and evaluat-
37 ing pilot programs.

38 [(10)] (9) Official action by the task force requires the approval of a majority of the members
39 of the task force.

40 [(11)] (10) Notwithstanding ORS 171.130 and 171.133, the task force by official action may re-
41 commend legislation. Legislation recommended by the task force must indicate that it is introduced
42 at the request of the task force. Legislative measures proposed by the task force shall be prepared
43 in time for pre-session filing with the Legislative Counsel by December 15 of the year preceding a
44 regular session of the Legislative Assembly.

45 **SECTION 2.** ORS 367.620 is amended to read:

1 367.620. (1) The principal amount of Highway User Tax Bonds issued under ORS 367.615 shall
2 be subject to the provisions of ORS 286A.035.

3 (2) Highway User Tax Bonds may be issued under ORS 367.615 for the purposes described in
4 ORS 367.622 in an aggregate principal amount sufficient to produce net proceeds of not more than
5 \$500 million.

6 (3)(a) Highway User Tax Bonds may be issued under ORS 367.615 for bridge purposes described
7 in section 10 (1), chapter 618, Oregon Laws 2003, in an aggregate principal amount sufficient to
8 produce net proceeds of not more than \$1.6 billion.

9 (b) Highway User Tax Bonds may be issued under ORS 367.615 for modernization purposes de-
10 scribed in sections 10 (2) and 11, chapter 618, Oregon Laws 2003, in an aggregate principal amount
11 sufficient to produce net proceeds of not more than \$300 million.

12 (c) Highway User Tax Bonds may be issued under ORS 367.615 for the purposes described sec-
13 tion 64, chapter 865, Oregon Laws 2009, in an aggregate principal amount sufficient to produce net
14 proceeds of not more than \$840 million. **The proceeds from bonds issued as described in this**
15 **paragraph that are not required for the purposes described in section 64, chapter 865, Oregon**
16 **Laws 2009, shall be allocated to transportation projects, as defined in ORS 367.010, that are**
17 **approved by the Legislative Assembly by law.**

18 (d) The Department of Transportation, with the approval of the State Treasurer, may designate
19 the extent to which a series of bonds authorized under this subsection is secured and payable on a
20 parity of lien or on a subordinate basis to existing or future Highway User Tax Bonds.

21 **SECTION 3. (1) The Department of Transportation shall consult with the legislative**
22 **committees related to transportation during a session of the Legislative Assembly, or the**
23 **interim legislative committees related to transportation, prior to expending federal funds**
24 **received under a federal law that provides general economic stimulus moneys to this state**
25 **that may be used by the department for transportation projects.**

26 (2) As used in this section, “transportation project” has the meaning given that term in
27 **ORS 367.010.**

28 **SECTION 4.** ORS 215.311 is amended to read:

29 215.311. (1) The limitations on uses of land in exclusive farm use zones described in ORS 215.283,
30 215.284 and 215.700 to 215.780 and limitations imposed by or adopted pursuant to ORS 197.040 do
31 not apply to log truck parking under this section.

32 (2) The provisions of this section do not affect the eligibility of a zone for special assessment
33 as provided in ORS 308A.050 to 308A.128.

34 (3) Notwithstanding any other provision of law except for health and safety provisions, parking
35 no more than seven log trucks shall be allowed in an exclusive farm use zone unless the local gov-
36 ernment determines that log truck parking on a lot or parcel will:

37 (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted
38 to farm or forest use; or

39 (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands
40 devoted to farm or forest use.

41 (4) **The limitations on uses of land zoned for forest use or mixed farm and forest use**
42 **described in ORS 215.700 to 215.780 and limitations imposed by or adopted pursuant to ORS**
43 **197.040 do not apply to dump truck parking under this section.**

44 (5) **The provisions of this section do not affect the eligibility of land for special assess-**
45 **ment as provided in ORS 308A.250 to 308A.259, 308A.300 to 308A.330, 308A.350 to 308A.383,**

1 308A.403 to 308A.430 or 308A.450 to 308A.465.

2 (6) Notwithstanding any other provision of law except for health and safety provisions,
3 parking up to seven dump trucks and up to seven trailers is allowed on land zoned for forest
4 use or mixed farm and forest use unless the local government determines that dump truck
5 parking on a lot or parcel will:

6 (a) Force a significant change in accepted farm or forest practices on surrounding lands
7 devoted to farm or forest use; or

8 (b) Significantly increase the cost of accepted farm or forest practices on surrounding
9 lands devoted to farm or forest use.

10 **SECTION 5.** The Director of Transportation shall:

11 (1) Appoint an employee of the Department of Transportation to participate in meetings
12 held by the cooperating committee created pursuant to the Multistate Highway Transporta-
13 tion Agreement under ORS 802.560.

14 (2) Pay any membership fee required by the Multistate Highway Transportation Agree-
15 ment from funds appropriated to the department.

16 **SECTION 6.** Sections 3 and 4, chapter 865, Oregon Laws 2009, are repealed.

17 **SECTION 7.** Section 3 of this 2011 Act applies to federal laws that provide economic
18 stimulus funds to states that take effect on or after the effective date of this 2011 Act.

19 **SECTION 8.** This 2011 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
21 on its passage.

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