

**Senate Bill 810**  
**Relating to transportation**

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Senate Bill 810 proposes a voluntary program to phase in implementation of a new road user fee. The fee will be a mileage-based road user charge (RUC) of 1.5 cents per mile to be imposed on vehicles in the program. The program is limited to no more than 5,000 vehicles at one time. The vehicles in this program will pay the road user charge and not the Oregon Fuels Tax.

As amended, the 5,000 vehicles will be allocated among fuel economy rates: Up to 1,500 vehicles rated at 17 miles per gallon or less, up to 1,500 vehicles rated between 17 and 22 miles per gallon, and the remainder rated greater than 22 miles per gallon.

The measure provides \$2.8 million expenditure limitation to implement the program, which includes 11 positions, 8.75 full-time equivalents.

The measure also corrects an inadvertent error in a 2011 bill regarding selling property located near a rail line.

The Capital Construction Subcommittee recommends Senate Bill 810 be amended and reported out do pass, as amended.

**77<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2013 Session  
BUDGET REPORT AND MEASURE SUMMARY**

**JOINT COMMITTEE ON WAYS AND MEANS**

**MEASURE: SB 810-B**

**Carrier – House: Rep. Read**

**Carrier – Senate: Sen. Starr**

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**Action:** Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

**Vote:**

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

**Prepared By:** Linda Gilbert, Legislative Fiscal Office

**Reviewed By:** Ken Rocco, Legislative Fiscal Office

**Meeting Date:** July 3, 2013

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Agency

Oregon Department of Transportation

Biennium

2013-15

## **Budget Summary\***

	<b>2011-13 Legislatively Approved Budget<sup>(1)</sup></b>	<b>2013-15 Current Service Level</b>	<b>2013-15 Committee Recommendation</b>	<b>Committee Change from 2011-13 Leg. Approved</b>	
				<u>\$ Change</u>	<u>% Change</u>
<u>Oregon Department of Transportation</u>					
Other Funds	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 2,828,339</u>	<u>\$ 2,828,339</u>	<u>100.0%</u>
Total	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 2,828,339</u>	<u>\$ 2,828,339</u>	<u>100.0%</u>
Authorized Positions	0	0	11	11	
Full-time Equivalent (FTE) positions	0.00	0.00	8.75	8.75	

<sup>(1)</sup> Includes adjustments through December 2012

\* Excludes Capital Construction expenditures

## **Summary of Revenue Changes**

The funding for this bill is from a new Road User Charge (a mileage fee), which is a highway fund dedicated revenue.

## **Summary of Capital Construction Subcommittee Action**

SB 810-B establishes a voluntary Road Usage Charge process for up to 5,000 drivers. The fee is 1.5 cents per mile Road User Charge (RUC) to be imposed on vehicles in the program. The vehicles' drivers will pay the RUC and not the Oregon Fuels tax. Vehicles may be equipped so as to allow the collection and reporting of metered mileage. A private sector service provider will collect the RUC.

The Subcommittee recommended an increase of \$2,828,339 Other Funds expenditure limitation and 8.75 FTE for the Oregon Department of Transportation to implement and administer the program in 2013-15.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**SB 810 B**

**Oregon Department of Transportation  
Linda Gilbert - 503-986-1845**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE RECOMMENDATION</u>									
<u>Oregon Department of Transportation</u>									
SCR 100-55 - Highway Special Programs									
Personal Services	\$ 0	\$ 0	\$ 1,549,149	\$ 0	\$ 0	\$ 0	\$ 1,549,149	11	8.75
Services and Supplies	\$ 0	\$ 0	\$ 1,279,190	\$ 0	\$ 0	\$ 0	\$ 1,279,190		
<u>SUBCOMMITTEE RECOMMENDATION</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 2,828,339</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 2,828,339</u>	<u>11</u>	<u>8.75</u>

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 810**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert  
2 “271.310.”.

3 In line 3, after the semicolon insert “limiting expenditures;”.

4 On page 2, delete lines 28 and 29 and insert:

5 “(d) Approval does not cause the number of subject vehicles active in the  
6 road usage charge program on the date of approval to exceed 5,000, of which  
7 no more than 1,500 may have a rating of less than 17 miles per gallon and  
8 no more than 1,500 may have a rating of at least 17 miles per gallon and less  
9 than 22 miles per gallon, such ratings to be determined pursuant to a method  
10 established by the department.”.

11 On page 16, after line 1, insert:

12 **“EXPENDITURE LIMITATION**

13  
14 **“SECTION 31. Notwithstanding any other law limiting expenditures,**  
15 **the limitation on expenditures established by section 3 (7), chapter 556,**  
16 **Oregon Laws 2013 (Enrolled Senate Bill 5544), for the biennium begin-**  
17 **ning July 1, 2013, as the maximum limit for payment of expenses from**  
18 **fees, moneys or other revenues, including Miscellaneous Receipts and**  
19 **federal funds received as reimbursement from the United States De-**  
20 **partment of Transportation, but excluding lottery funds and federal**  
21 **funds not described in this section, collected or received by the De-**  
22 **partment of Transportation, is increased by \$2,828,339 for the road us-**

1 **age charge program established by sections 2 to 15 of this 2013 Act.”.**

2  
3 **“RAIL PROXIMATE REAL PROPERTY TRANSFERS**

4  
5 **“SECTION 32.** ORS 271.310 is amended to read:

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

14 “(2) If the ownership, right or title of the political subdivision to any real  
15 property set apart by deed, will or otherwise for a burial ground or cemetery,  
16 or for the purpose of interring the remains of deceased persons, is limited  
17 or qualified or the use of the real property is restricted, whether by dedi-  
18 cation or otherwise, the political subdivision may, after the county court or  
19 governing body thereof has first declared by resolution that the real property  
20 is not needed for public use, or that the sale, exchange, conveyance or lease  
21 of the real property will further the public interest, file a complaint in the  
22 circuit court for the county in which the real property is located against all  
23 persons claiming any right, title or interest in the real property, whether the  
24 interest be contingent, conditional or otherwise, for authority to sell, ex-  
25 change, convey or lease all or any part of the real property. The resolution  
26 is prima facie evidence that the real property is not needed for public use,  
27 or that the sale, exchange, conveyance or lease will further the public in-  
28 terest. The action shall be commenced and prosecuted to final determination  
29 in the same manner as an action not triable by right to a jury. The complaint  
30 shall contain a description of the real property, a statement of the nature

1 of the restriction, qualification or limitations, and a statement that the de-  
2 fendants claim some interest therein. The court shall make such judgment  
3 as it shall deem proper, taking into consideration the limitation, qualifica-  
4 tions or restrictions, the resolution, and all other matters pertinent thereto.  
5 Neither costs nor disbursements may be recovered against any defendant.

6 “(3)(a) At least 30 days before listing or placing real property for sale,  
7 exchange or conveyance, a political subdivision shall notify the Department  
8 of Transportation of its intent to sell, exchange or convey the real property  
9 if the real property is within 100 feet of a railroad right of way or is within  
10 500 feet of an at-grade rail crossing.

11 “(b) The department shall share the advance notice with private providers  
12 of rail service that might be interested in obtaining the real property to fa-  
13 cilitate the current delivery or future expansion of rail service. Notwith-  
14 standing the benefit of receiving advance notice, a private provider of rail  
15 service may not obtain or enter into negotiations to obtain the real property  
16 until the political subdivision offers the real property for sale, exchange,  
17 conveyance or lease to the general public. As used in this paragraph, ‘general  
18 public’ includes private providers of rail service.

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

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

22 “(B) **If the proposed sale, exchange or conveyance of the real prop-**  
23 **erty is to a provider of rail service; or**

24 “(C) **To the proposed sale, exchange or conveyance of easements.**

25 “(d) The department shall adopt rules to implement this subsection. The  
26 rules may include provisions that:

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

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

3       “(4) Unless the governing body of a political subdivision determines under  
4 subsection (1) of this section that the public interest may be furthered, real  
5 property needed for public use by any political subdivision owning or con-  
6 trolling the property may not be sold, exchanged, conveyed or leased under  
7 the authority of ORS 271.300 to 271.360, except that it may be exchanged for  
8 property that is of equal or superior useful value for public use. Any such  
9 property not immediately needed for public use may be leased if, in the dis-  
10 cretion of the governing body having control of the property, the property  
11 will not be needed for public use within the period of the lease.

12       “(5) The authority to lease property granted by this section includes au-  
13 thority to lease property not owned or controlled by the political subdivision  
14 at the time of entering into the lease. A lease under this subsection shall  
15 be conditioned upon the subsequent acquisition of the interest covered by the  
16 lease.”.

17       In line 5, delete “31” and insert “33”.

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