

Senate Bill 395

Sponsored by Senator PROZANSKI (at the request of The Street Trust) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases required expenditure on footpaths and bicycle trails from one percent to five percent of amounts received from State Highway Fund. Applies to Department of Transportation, counties and cities under certain circumstances.

Updates Oregon Bicycle and Pedestrian Advisory Committee membership and duties.

A BILL FOR AN ACT

1
2 Relating to transportation; amending ORS 366.112 and 366.514.

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

4 **SECTION 1.** ORS 366.514 is amended to read:

5 366.514. (1) Out of the funds received by the Department of Transportation or by any county or
6 city from the State Highway Fund reasonable amounts shall be expended as necessary to provide
7 footpaths and bicycle trails, including curb cuts or ramps as part of the project. Footpaths and bi-
8 cycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a
9 highway, road or street is being constructed, reconstructed, **resurfaced** or relocated. Funds re-
10 ceived from the State Highway Fund may also be expended to maintain footpaths and trails and to
11 provide footpaths and trails along other highways, roads and streets.

12 (2) Footpaths and trails are not required to be established under subsection (1) of this section:

13 (a) Where the establishment of such paths and trails would be contrary to public safety; **or**

14 (b) If the cost of establishing such paths and trails would [*be excessively disproportionate to the*
15 *need or probable use*] **exceed twenty percent of the cost of the project** [*; or*]

16 [*(c) Where sparsity of population, other available ways or other factors indicate an absence of any*
17 *need for such paths and trails*].

18 (3) The amount expended by the department or by a city or county as required or permitted by
19 this section shall never in any one fiscal year be less than [*one*] **five** percent of the total amount
20 of the funds received from the highway fund. However:

21 (a) This subsection does not apply to a city in any year in which the [*one*] **five** percent equals
22 \$250 or less, or to a county in any year in which the [*one*] **five** percent equals \$1,500 or less.

23 (b) A city or county in lieu of expending the funds each year may credit the funds to a financial
24 reserve fund in accordance with ORS 294.346, to be held for not more than 10 years, and to be ex-
25 pended for the purposes required or permitted by this section.

26 (c) For purposes of computing amounts expended during a fiscal year under this subsection, the
27 department, a city or county may record the money as expended **on the date construction of the**
28 **facility is commenced if the facility is constructed by the city, county or department**
29 **itself.**[.]

30 [*(A) On the date actual construction of the facility is commenced if the facility is constructed by the*

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 *city, county or department itself; or]*

2 *[(B) On the date a contract for the construction of the facilities is entered with a private contractor*
3 *or with any other governmental body.]*

4 (4) For the purposes of this chapter, the establishment of paths, trails and curb cuts or ramps
5 and the expenditure of funds as authorized by this section are for highway, road and street purposes.

6 (5) The department shall, when requested, provide technical assistance and advice to cities and
7 counties in carrying out the purpose of this section.

8 (6) The department shall recommend construction standards for footpaths and bicycle trails.
9 Curb cuts or ramps shall comply with the requirements of ORS 447.310 and rules adopted under ORS
10 447.231.

11 (7) The department shall, in the manner prescribed for marking highways under ORS 810.200,
12 provide a uniform system of signing footpaths and bicycle trails which shall apply to paths and trails
13 under the jurisdiction of the department and cities and counties.

14 (8) The department and cities and counties may restrict the use of footpaths and bicycle trails
15 under their respective jurisdictions to pedestrians and nonmotorized vehicles, except that motorized
16 wheelchairs, **electric assisted bicycles and motor assisted scooters** shall be allowed to use
17 footpaths and bicycle trails.

18 (9) **The department shall submit an annual report to the Governor and, in the manner**
19 **provided in ORS 192.245, to the Joint Committee on Transportation no later than September**
20 **15 of each calendar year, reporting on the following:**

21 **(a) Implementation of this section.**

22 **(b) Exemptions requested under subsection (2) of this section.**

23 **(c) Expenditures made under subsection (3) of this section.**

24 **(d) Information necessary to determine if the department is in compliance with the re-**
25 **quirements of this section.**

26 *[(5)]* **(10)(a)** As used in this section, "bicycle trail" means a publicly owned and maintained lane
27 or way designated and signed for use as a bicycle route.

28 **(b) "Bicycle trail" does not include the highway shoulder, as defined in ORS 801.480.**

29 **SECTION 2.** ORS 366.112 is amended to read:

30 366.112. (1) There is created in the Department of Transportation [*an advisory committee*] **the**
31 **Oregon Bicycle and Pedestrian Advisory Committee.** [*to be appointed by the Governor to advise*
32 *the department regarding the regulation of bicycle traffic and the establishment of bicycle lanes and*
33 *paths. The committee shall consist of eight members including an employee of a unit of local govern-*
34 *ment employed in land use planning, a representative of a recognized environmental group, a person*
35 *engaged in the business of selling or repairing bicycles, a member designated by the Oregon Recreation*
36 *Trails Advisory Council, and at least one member under the age of 21 at the time of appointment.*
37 *Members of the advisory committee shall be entitled to compensation and expenses as provided by ORS*
38 *292.495.]* **The committee consists of 11 members appointed by the Governor, including the**
39 **following:**

40 **(a) A member who is an employee of a unit of local government employed in land use**
41 **planning;**

42 **(b) A member who is a representative of a recognized environmental group;**

43 **(c) A member who is a person engaged in the business of selling or repairing bicycles;**

44 **(d) A member who is a member designated by the Oregon Recreation Trails Advisory**
45 **Council; and**

1 **(e) A member who is under the age of 21 at the time of appointment.**

2 (2) The members shall be appointed to serve for terms of four years each. A vacancy on the
3 committee shall be filled by appointment by the Governor for the unexpired term.

4 (3) The committee shall meet regularly four times a year, at times and places fixed by the
5 chairperson of the committee. The committee may meet at other times upon notice by the chair-
6 person or three members of the committee. The department shall provide office space and personnel
7 to assist the committee as requested by the chairperson, within the limits of available funds. The
8 committee shall adopt rules to govern its proceedings and may select officers it considers necessary.

9 **(4)(a) The committee shall advise the department:**

10 **(A) Regarding the regulation of bicycle traffic.**

11 **(B) On establishing bicycle lanes and paths.**

12 **(C) On improving the processes and procedures used in implementing ORS 366.514.**

13 **(D) On improvements to the department's bicycle infrastructure design guidance.**

14 **(E) On improvements to the department's pedestrian infrastructure design guidance.**

15 **(b) The committee shall provide recommendations to the Oregon Transportation Com-**
16 **mission on bicycle and pedestrian transportation projects, as provided by ORS 367.093.**

17 **(5) Members of the advisory committee shall be entitled to compensation and expenses**
18 **as provided by ORS 292.495.**

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