



Oregon  
Department  
of Transportation



# Legislative Summary

# 2015

2015 Regular Session of the Oregon Legislative Assembly

Oregon's annual legislative session came to a close on July 6, 2015. There were 2,799 bills, memorials and resolutions introduced during the 2015 session and of those, the legislature passed 921.

While transportation issues were not the focus of the 2015 session, legislators advanced several bills, memorials and resolutions that directly or indirectly affect the Oregon Department of Transportation (ODOT). If you have questions about 2015 transportation-related legislation, please contact the lead division for the measure or government relations staff:

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Copies of 2015 enrolled bills (the copy that the governor signs) may be found on the legislative website at: <https://olis.leg.state.or.us/liz/2015R1/Measures/list/>.

Measures as they were signed into law are known as "session laws" and will be available on the legislative web site at: [https://www.oregonlegislature.gov/bills\\_laws/Pages/Oregon-Laws.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/Oregon-Laws.aspx). Permanent laws passed during the 2015 legislative session will not be codified until the 2016 edition of the Oregon Revised Statutes is released. The 2016 ORS will be distributed and made available online in January or February 2016.

Cover photos:

Stars Over Camas Mountain

Summer at Oregon's State Capitol



# Table of Contents

<b>Preface</b>		2
<b>Legislation Passed</b>		6
<b>House Bills</b>		
<a href="#"><u>HB 2036</u></a>	Designates Veterans Memorial Highways	6
<a href="#"><u>HB 2075</u></a>	Jet Fuel and Aviation Fuel Tax Increase	6
<a href="#"><u>HB 2174</u></a>	Reporting of Deficient Municipal Audits	7
<a href="#"><u>HB 2177</u></a>	New Motor Voter Program	7
<a href="#"><u>HB 2184</u></a>	State Parks and Recreation Day Use Permit Fee Web Page	8
<a href="#"><u>HB 2208</u></a>	Add Code Enforcement Officers to Business Address Program	8
<a href="#"><u>HB 2210</u></a>	First Informers in Declared Emergencies	9
<a href="#"><u>HB 2255</u></a>	11 to 1 Ratio of Nonsupervisory Employees to Supervisory Employees	9
<a href="#"><u>HB 2259</u></a>	Self-loading Log Trucks and Refund of Fuel Tax	10
<a href="#"><u>HB 2261</u></a>	Proof of Vehicle Registration	11
<a href="#"><u>HB 2266</u></a>	Exempts Heavy Vehicles Held by Vehicle Dealers from Weight-Mile Tax	11
<a href="#"><u>HB 2274</u></a>	<i>ConnectOregon</i> Policy Changes	12
<a href="#"><u>HB 2282</u></a>	Electronic Filing of Documents with DMV; Fees Vehicle Dealers May Charge Customers	13
<a href="#"><u>HB 2375</u></a>	Uniform Standards for Contract Administration and Training	14
<a href="#"><u>HB 2389</u></a>	Process Changes for Fallen Hero Memorial Sign Program	15
<a href="#"><u>HB 2465</u></a>	Driver License Issuance Efficiency Measures and Road Usage Charge	
	Technical Amendments	15
<a href="#"><u>HB 2621</u></a>	Use of Photo Radar in Portland High Crash Corridors	17
<a href="#"><u>HB 2625</u></a>	Offense of Unlawful Parking in Alternative Fuel Vehicle Space	18
<a href="#"><u>HB 2658</u></a>	Siblings Eligible for Gold Star Plates	18
<a href="#"><u>HB 2660</u></a>	Court Discretion to Waive Ignition Interlock Device in Certain Cases	19
<a href="#"><u>HB 2716</u></a>	DBE/MWESB Required to Maintain Status	20
<a href="#"><u>HB 2730</u></a>	Trail Blazer Plate, Cancer Awareness Plate and Specialty Plate Program Changes	21
<a href="#"><u>HB 2837</u></a>	Medical Exemptions From Safety Belt Use	22
<a href="#"><u>HB 2886</u></a>	Representation at Vehicle Dealer Auctions	22
<a href="#"><u>HB 2912</u></a>	Transportation Statute Clean-Up	23
<a href="#"><u>HB 3005</u></a>	90-Day Extension for Driver Licenses for Returning Overseas Volunteers	23
<a href="#"><u>HB 3025</u></a>	Ban the Box	24
<a href="#"><u>HB 3035</u></a>	Use of Flashing School Zone Lights	24
<a href="#"><u>HB 3037</u></a>	Additional Privacy Protection From Public Records Disclosure	25
<a href="#"><u>HB 3225</u></a>	HAZMAT / Oil Spill Preparedness Plans	25
<a href="#"><u>HB 3248</u></a>	Transition Between Qualified Rehabilitation Facility Contractors	26
<a href="#"><u>HB 3401</u></a>	Passenger Rail On-Time Performance and Ridership Improvements	26
<a href="#"><u>HB 3402</u></a>	Increase Speed Limits on Eastern Oregon Highways	27
<a href="#"><u>HB 3524</u></a>	Disposition of Surplus Property	28
<a href="#"><u>HB 5004</u></a>	2015-2017 Department of Aviation Budget	28
<a href="#"><u>HB 5005</u></a>	State 2015-2017 Bond Limits	29



<a href="#">HB 5006</a>	2015-2021 State Agency Capital Construction	30
<a href="#">HB 5029</a>	2015-2017 Lottery Revenue Allocations	30
<a href="#">HB 5030</a>	2015-2017 Lottery Bonds Authorizations / <i>ConnectOregon</i> VI	31
<a href="#">HB 5040</a>	2015-2017 Department of Transportation Legislatively-Adopted Budget	32
<a href="#">HJM 5</a>	Urges Congress to Reauthorize Build America Bonds	34

## Senate Bills

<a href="#">SB 5</a>	Designates William Tebeau Memorial Highway	35
<a href="#">SB 55</a>	Collection of Debts Owed the State	35
<a href="#">SB 120</a>	Flexibility to Meet Mobility Standards	36
<a href="#">SB 131</a>	Task Force on Willamette Falls Locks	36
<a href="#">SB 139</a>	Travel Information Council	37
<a href="#">SB 142</a>	For-hire Passenger Transportation Deregulation	37
<a href="#">SB 192</a>	Work Group on Use of ATVs on Highways	38
<a href="#">SB 270</a>	Jobs and Transportation Act Project Reallocation	38
<a href="#">SB 271</a>	State Rail Fixed Guideway Safety Oversight	39
<a href="#">SB 387</a>	Sanctions for DUII Offenders	39
<a href="#">SB 397</a>	Ignition Interlock Device Omnibus Measure	40
<a href="#">SB 463</a>	Darker Window Tinting	40
<a href="#">SB 472</a>	Pacific Wonderland Plate Program Expansion	41
<a href="#">SB 491</a>	Pay Equity Policy in Public Contracting	41
<a href="#">SB 494</a>	Driver License Renewal without Photo for Military Stationed Outside Oregon	42
<a href="#">SB 501</a>	2015-2017 Program Changes	42
<a href="#">SB 533</a>	Motorcycles, Mopeds, Bicycles Proceed at “Dead Red” Light	42
<a href="#">SB 584</a>	Disadvantaged Business Enterprise Program Update	43
<a href="#">SB 596</a>	Construction Flagging Contractor License	43
<a href="#">SB 628</a>	Designates Don Kendall Memorial Highway	44
<a href="#">SB 878</a>	Proper Operation of Motorcycles and Mopeds	44
<a href="#">SB 921</a>	Median Barriers on Interstate Highways	44
<a href="#">SB 943</a>	Local Option Registration Fee Prohibited When Officials Use Business Address on DMV Records	45
<a href="#">SB 948</a>	Standard Passenger Plates Optional for County Vehicles	45
<a href="#">SB 5507</a>	Emergency Fund and Budget Reconciliation	46
<a href="#">SCR 20</a>	Deadlines for Introduction of 2016 Legislative Measure	47



## Memorial Signs

<a href="#">HCR 1</a>	Recognizing and Honoring Lance Corporal Joseph Rodewall	48
<a href="#">HCR 2</a>	Recognizing and Honoring Corporal Kory Wiens	48
<a href="#">HCR 3</a>	Recognizing and Honoring Sergeant Ian Tawney	48
<a href="#">HCR 4</a>	Recognizing and Honoring Deputy Sheriff Jimmy Lee Shoop	48
<a href="#">HCR 10</a>	Recognizing and Honoring Portland Police Officer Thomas Jeffries	48
<a href="#">HCR 22</a>	Recognizing and Honoring Specialist Taylor Marks	48
<a href="#">SCR 6</a>	Recognizing and Honoring Specialist Nickolas Welch	48
<a href="#">SCR 7</a>	Recognizing and Honoring Specialist John Pelham	48
<a href="#">SCR 12</a>	Recognizing and Honoring Corporal Nathan Windsor	48
<a href="#">SCR 14</a>	Recognizing and Honoring Corporal Keaton Coffey	48
<a href="#">SCR 16</a>	Recognizing and Honoring Specialist Mabry Anders	48

## Reports to the Legislative Assembly

<a href="#">Flexibility to Meet Mobility Goals Under the Transportation Planning Rule (SB 120)</a>	49
<a href="#">Transportation Statute Clean-Up (HB 2912)</a>	49
<a href="#">Passenger Rail On-Time Performance and Ridership Improvements (HB 3401)</a>	50
<a href="#">DMV Service Transformation Program (HB 5040 Budget Note)</a>	50

## Legislation Considered (Not Passed)

<a href="#">Clean Diesel Task Force</a>	51
<a href="#">Cost Analysis Required Prior to Constructing Public Improvement Projects with Own Forces</a>	51
<a href="#">Donations for Organ Donor Registry and Public Awareness Fund</a>	52
<a href="#">Family-Friendly Public Contracting</a>	52
<a href="#">Increase Interstate Speeds</a>	52
<a href="#">Jurisdiction Transfer</a>	53
<a href="#">Lane Splitting / Filtering</a>	54
<a href="#">Left Lane for Passing</a>	54
<a href="#">People Moving Plan</a>	54
<a href="#">Right to Rest</a>	55
<a href="#">Transit Assistance</a>	55
<a href="#">Transportation Funding</a>	55
<a href="#">Transportation Network Companies</a>	56
<a href="#">Vision Zero</a>	57

## House Bills

### Designates Veterans Memorial Highways

House Bill 2036

Effective date: May 21, 2015

House Bill 2036 designates Oregon highways in honor of the veterans of foreign wars. The Oregon portion of U.S. Highway 395 is designated as the World War I Veterans Memorial Highway; the Oregon portion of Interstate 5 is designated as the Korean War Veterans Memorial Highway and as the Purple Heart Trail; and, the Oregon portion of U.S. Highway 101 is designated as the Persian Gulf, Afghanistan and Iraq Veterans Memorial Highway.

The bill directs ODOT to place and maintain markers that will indicate the designation of each highway. However, the department may not expend public funds for this purpose. Instead, the department may accept money from veterans groups to create, install and maintain the markers.

Legislation in prior sessions designated the Oregon portion of U.S. 97 as the World War II Veterans Historic Highway (2009) and the Oregon portion of I-84 as the Vietnam Veterans Memorial Highway (2013).

### Jet Fuel and Aviation Fuel Tax Increase

House Bill 2075

Effective date: October 5, 2015

House Bill 2075 temporarily increases the aviation gasoline tax by 2¢ from 9¢ per gallon to 11¢ per gallon and the jet fuel tax by 2¢ from 1¢ to 3¢ per gallon. The increase is effective on the 91st following adjournment sine die (October 1, 2015 assumed). The increase sunsets on January 1, 2022. Jet fuel and aviation gas taxes were last increased in 1999.

ODOT collects fuel tax revenue on behalf of the Oregon Department of Aviation (ODA) and provides accounting services to ODA. ODOT's Fuels Tax Group will update forms and the tax rates in the fuels tax system, both when the tax rates increase and again when the rates decrease (January 1, 2022), and notify taxpayers.

The increase in the jet fuel and aviation fuel tax is projected to raise about \$6.2 million during the 2015-17 biennium and \$7.6 million per biennium in 2017-19.

The State Board of Aviation will create a review committee to evaluate applications for grants within the funding categories specified in HB 2075. The review committee will be composed of a member from each of the Area Commissions on Transportation that have been chartered by the Oregon Transportation Commission. The State Board of Aviation will select aviation projects based on the review committee's recommendations. ODA will provide staff support to the review committee.

## Reporting of Deficient Municipal Audits

House Bill 2174

Effective date: April 16, 2015

House Bill 2174 updates provisions concerning municipal audits. It removes a requirement that the Secretary of State prescribe the form of the contracts that local governments must use for performance of their annual audits. It also allows the Secretary of State to sanction a local government for not filing the required audit

ODOT distributes monies from the State Highway Fund, Special Transportation Fund and other funding sources to local governments. The department must withhold ten percent of the money distributed to a county or a city when the Secretary of State certifies that the county or city has failed to correct deficiencies in its financial management systems and procedures that were identified in two consecutive audits and, under HB 2174, that the county or city has failed to file its audit as required.

## New Motor Voter Program

House Bill 2177

Effective date: March 16, 2015 (operative date, January 1, 2016)

House Bill 2177 requires ODOT to provide the Secretary of State with an electronic record containing the legal name, age, residence and citizenship information, and electronic signature of individuals transacting business at DMV. The criteria for identifying these individuals will be determined by the Secretary of State by rule.

The Secretary of State, using the information provided by DMV, will determine whether individuals who are not registered to vote are qualified to vote and will notify those who are eligible how to decline registration and how they can adopt a political party affiliation.

Prior to HB 2177, DMV asked individuals applying for or renewing a driver license, permit or ID card if they were registered to vote and, if not, if they would like to register to vote. DMV provided voter registration cards to those who indicated that they would like to register and provided completed information to the Secretary of State's Office.



## State Parks and Recreation Day Use Permit Fee Web Page

House Bill 2184

Effective date: January 1, 2016

House Bill 2184 directs ODOT to work with the State Parks and Recreation Department to place a link on ODOT's web site to the State Park's Web pages about how to purchase state park day-use permits. In addition, the two departments will work to place State Parks brochures, applications and other materials about how to purchase day-use permits in DMV field offices.

ODOT and State Parks have a long-standing working relationship. While it is not necessary to pass a bill to direct ODOT to work with State Parks, HB 2184 is helpful in establishing legislative priorities among the many similar requests that ODOT and DMV receive.

## Add Code Enforcement Officers to Business Address Program

House Bill 2208

Effective date: June 10, 2015

House Bill 2208 adds the public officials employed as civil code enforcement officers to the list of public employees who may request that their employer's address be shown on their driver and vehicle records rather than their residence address. In addition, it allows civil code enforcement officers to request that their home addresses and home phone numbers be withheld from disclosure on public records requests involving voter registration records and property tax and assessment records.

Upon request by a state or federal employee working in high risk position (e.g., criminal justice, corrections, FBI, law enforcement, IRS), DMV substitutes the public employer's address in place the employee's residence address on driver and vehicle records. The substitution protects the employee's privacy and security.

## First Informers in Declared Emergencies

House Bill 2210

Effective date: January 1, 2016

House Bill 2210 allows “first informers,” individuals who maintain, repair or resupply transmitters, generators or other essential equipment at a broadcast station or facility, to access the area subject to a declared emergency. “First informers” may access geographic areas subject to emergency declarations, unless prohibited by state or federal law or at the discretion of the incident commander. Access includes access to fuel, food, water, supplies, equipment and other materials. The bill prohibits an emergency services agency from seizing first informers’ vehicles, fuel, food, water or other essential materials.

HB 2210 directs the Office of Emergency Management to authorize a private entity that represents the majority of broadcasters to issue credentials for first informers. Issuance of credentials includes providing training for first informers around the risks associated with entering geographic areas subject to emergency declarations and best practices for working safely in these areas.

## 11 to 1 Ratio of Nonsupervisory Employees to Supervisory Employees

House Bill 2255

Effective date: July 1, 2015

House Bill 2255 delays implementation of the 11 to 1 ratio of nonsupervisory employees to supervisory employees for a biennium (2015-2017). However, agencies may not reduce the current ratio of nonsupervisory employees to supervisory employees during this time without an exception granted by the Department of Administrative Services (DAS).

DAS must monitor and report quarterly on agencies’ staff ratios. It must also convene a work group. HB 2255 directs the work group to study public and private sector standards and best practices related to appropriate ratios of nonsupervisory employees to supervisory employees. DAS must submit a report on the group’s work before the 2017 regular session convenes.



## Self-loading Log Trucks and Refund of Fuel Tax

House Bill 2259

Effective date: January 1, 2016

House Bill 2259 allows ODOT to return to two long-standing business practices that were determined not to be permissible under recently changed legal interpretations.

HB 2259 modifies the department's authority to issue variance permits, allowing the department to issue the variance permit needed to operate self-loading log trucks. In addition, the bill also authorizes the department to issue a refund for payment of fuel tax when a taxpayer pays both fuel tax and the road use assessment fee.

The department issues permits for heavy vehicles, including self-loading log trucks, when necessary. For many years the department had been issuing multiple permits for self-loading log trucks – one for the self-loading log truck configuration and one for the truck being over the usually allowed weight – that is always needed, as a practical matter, when the truck is loaded with logs. Under a recent change in legal interpretation, the department could not issue the multiple permits needed for self-loading log trucks. The bill allows the department to write a single variance permit that authorizes a self-loading log truck configuration that is over the usually allowed weight.

The department also collects the road use assessment fee, a weight-distance tax paid by some heavy vehicles, typically those carrying non-divisible loads more than 96,000 pounds. The use fuel (diesel) tax has been refunded or credited when a highway user also has paid the road use assessment fee. Changing legal interpretations ruled out this practice, too. HB 2259 makes clear that fuel is not taxed when the road use assessment fee is paid.

## Proof of Vehicle Registration

House Bill 2261

Effective date: January 1, 2016

House Bill 2261 allows a person to avoid a citation for the offense of illegal display of a registration plate by showing proof that their vehicle's registration has been renewed, but the tags have not yet arrived from DMV. HB 2261 directs DMV to write rules on what suffices as proof.

In a survey of customers, DMV found that many people do not use the Internet to renew a vehicle's registration because they are at or beyond the renewal date. Customers who are concerned they may be ticketed for expired stickers / plates will go to the field office to pay the renewal fee and receive the stickers on the spot. The bill does not allow someone to "fix" a ticket for failing to display current registration tabs by renewing after receiving a ticket.

By allowing a receipt to be used to show that registration renewal was completed online, customers will be spared the inconvenience of getting to a DMV field office to complete the transaction. Other field office customers and DMV staff will be helped by reducing the number of customers in the field office.

HB 2261 was one of the recommendations of the Task Force on Transportation and Customer Service Efficiency, created by the legislature in 2014.

## Exempts Heavy Vehicles Held by Vehicle Dealers from Weight-Mile Tax

House Bill 2266

Effective date: January 1, 2016

House Bill 2266 exempts heavy vehicles that are owned by a vehicle dealer and are operated for test drives from paying the weight-mile tax. These operations would be subject to Oregon fuels tax.

HB 2266 affects how vehicle dealers report their highway use taxes. Under current law, vehicle dealers should report the mileage that the heavy vehicles in their possession are driven for test drives. Under the bill, the dealers would not report the vehicle miles, but would register (if they are not already registered) as fuel dealers and pay fuel taxes.

## ConnectOregon Policy Changes

House Bill 2274

Effective date: upon signature by the governor

House Bill 2274 revises the statutes that govern the *ConnectOregon* program (ORS 367.080 to 367.086). This program provides funding for multimodal transportation projects that are not eligible for funding from the State Highway Fund. The bill makes the following policy changes:

- Renames the “Multimodal Transportation Fund” as the “Connect Oregon Fund.”
- Adopts a definition of a transportation project that is tailored to the *ConnectOregon* program rather than relying on a definition used for other purposes. The new definition excludes costs associated with operating expenses and the purchase of bicycles.
- Removes loans from the *ConnectOregon* portfolio.
- Increases the matching funds that a grant recipient must contribute from 20 percent to 30 percent of total project cost.
- Adds a new factor (“useful life expectancy”) that the Oregon Transportation Commission must consider when selecting projects for *ConnectOregon* program funding.
- Requires the Director of Transportation to choose the membership of the final review committee so as to promote fairness in the selection process.
- Provides for the transition between the “Multimodal Transportation Fund” and the “Connect Oregon Fund” and ensures that outstanding *ConnectOregon* loans are continued.

The bill provides better definition for “transportation project” eligible for *ConnectOregon* program funding. These projects are transit, rail, marine, aviation, and bike-ped infrastructure undertakings. They do not include costs associated with operating expenses or the purchase of bicycles.

The change in eligible projects and in the required local match may affect the quantity of applications for *ConnectOregon* grants. Since applications for *ConnectOregon* funding have always exceeded the amount made available, it is unlikely that the changes will affect grant applications.

There have been very few applications for *ConnectOregon* loans. Removing loans from the *ConnectOregon* portfolio may not have a noticeable effect on the program.



## Electronic Filing of Documents with DMV; Fees Vehicle Dealers May Charge Customers

House Bill 2282

Effective date: January 1, 2016

House Bill 2282 allows DMV to receive electronically transmitted documents needed for vehicle title and registration transactions and to comply with odometer mileage disclosure requirements. The bill allows DMV to accept scanned documents that accurately reproduce signatures and a notary public's acknowledgement of the signature. The department may adopt rules relating to electronic transmission of documents and the use of electronic signatures.

HB 2282 also changes the fees that Oregon vehicle dealers may charge their customers for processing DMV documents on their behalf and to perform other services for the customer. While the bill sets maximum rates (\$150 when a dealer uses an integrator and \$115 when a dealer does not use an integrator), vehicle dealers and their customers may negotiate the dealers' fees. Previously, the fees that vehicle dealers could charge their customers were set by DMV administrative rule, and there was no legal requirement that they be negotiable.

## Uniform Standards for Contract Administration and Training

House Bill 2375

Effective date: July 6, 2015 (operative date, January 1, 2016)

House Bill 2375 requires state contracting agencies to use standardized forms and contracts developed by the Attorney General and the Department of Administrative Services (DAS) for all public procurements and contracts. The bill allows for some exceptions, such as unique procurements, with approval from the Attorney General or DAS. The provisions in HB 2375 do not apply to direct appointment A&E contracts (ORS 279B.080) and emergency contracts (ORS 279C.110 (9)).

Additionally, HB 2375 directs the Department of Administrative Services (DAS) to develop a training program for procurement and contract administration staff at state contracting agencies. The program must include standards that measure competencies of those trained. Before a contracting agency executes a contract that exceeds \$150,000, the head of the agency or a delegate must review and confirm the contract competencies of staff involved in the procurement and administration of the contract.

The bill phases in its implementation. DAS must set standards for education and training programs for procurement staff and contract administrators and may provide training programs that meet those standards. DAS will adopt a rule that sets the date by which training programs must meet the standards, provided that the deadline is no later than December 31, 2017. DAS will also set a deadline by which state contracting agency procurement staff and contract administrators must meet the training or experience standards, provided that the deadline is no later than December 31, 2018.

ODOT has a large volume of agency staff involved in the procurement process, administering contracts or involved in some aspect of contract administration. Under HB 2375, these individuals must meet the standards for competence in order to continue conducting procurements and administering contracts over \$150,000 and likely, at a minimum, will be required to participate in some form of continuing education.

## Process Changes for Fallen Hero Memorial Sign Program

House Bill 2389

Effective date: May 4, 2015

House Bill 2389 restructures the process for placing a Fallen Hero memorial sign along an Oregon highway. The process for a Fallen Hero memorial sign will mirror the Fallen Officer memorial sign program. The Legislative Assembly will start the process by adopting a concurrent resolution recognizing the individual to be honored with a Fallen Hero memorial sign. Once the Legislative Assembly has adopted the concurrent resolution, the department will begin working with the family to locate the memorial sign. The process will be less complex and burdensome to families wishing to memorialize a loved one.

Prior to HB 2389, placement of a Fallen Hero signs required the Legislative Assembly to pass a bill which precisely locates the sign along an Oregon highway. In addition, the family and the department had to wait until the effective date of the bill, no matter when the legislature passed and the governor signed the bill, before placing the sign.

## Driver License Issuance Efficiency Measures and Road Usage Charge Technical Amendments

House Bill 2465

Effective date: October 5, 2015

House Bill 2465 is an omnibus transportation-related bill. It was introduced for the Oregon Department of Transportation to improve the efficiency of the driver license, identification (ID) card and instruction permit (IP) issuance process. Other transportation-related provisions were incorporated into the bill during the legislative process.

### Driver License Efficiency

HB 2465 does the following in this area:

- Changes the proof of school enrollment requirement. A parent or guardian must provide certification, rather than a form signed by the school, that the person under 18 years of age who is applying for driving privileges is enrolled in school.
- Eliminates the motorcycle knowledge test requirement for applicants from other states who already have a valid motorcycle endorsement on their out-of-state license.
- Eliminates the Moped-Restricted license.
- Modifies proof of address requirement, giving DMV authority to determine by administrative rule what is required for proof of address when renewing or replacing a driver license, ID card or permit.

These provisions will take effect on January 1, 2016.

## Road Usage Charge Program (RUC)

HB 2465 makes technical changes to the 2013 legislation that created the Road Usage Charge Program. These changes streamline the implementation of the voluntary road user charge program to (1) make issuance of “fuel user” emblems optional and (2) to remove the requirement to round up to the nearest whole mile.

The current law requires road usage charge payers owning use fuel vehicles—primarily diesel vehicles—to have an emblem for their vehicle. An emblem allows fuel sellers to sell untaxed diesel fuel at the pump to those vehicle owners paying the road usage charge. The trouble with this requirement is that for the emblem requirement to work well ODOT would have to educate all sellers of diesel fuel throughout Oregon even though it would only apply for the few dozen potential volunteer diesel vehicles owners who will pay the per-mile charge. This would involve significant work and potential disruption to hundreds of businesses for minimal gain at significant cost to ODOT. The volunteer program would work better for the volunteers and sellers of diesel fuel to make the emblem provision optional.

Volunteers with diesel fueled vehicles who do not have “fuel user” emblems and those who have emblems but the fuel seller does not recognize the emblem will be treated in the same way: the volunteer will get a credit or refund of fuel tax paid when they pay the RUC, similar to those volunteers with gasoline vehicles who will receive a credit or refund for gas tax paid.

The current law also requires miles reported to be rounded up to the nearest whole mile. During implementation, ODOT discovered that application of rounding in this manner would not only cause a costly administrative burden to ODOT and the private sector account managers but would also work to the disadvantage of payers of the road usage charge. Some payers would pay much more than they should for the miles driven, particularly if their road usage charge is applied frequently to reported miles. Removing the rounding provision would make the system work better and more fairly.

The Road Usage Charge Program began accepting volunteers on July 1, 2015.

## Exemption from weight-mile and fuel tax

These provisions provide a continuation of an exemption from fuel tax and weight mile tax that was granted by the Oregon Department of Environmental Quality (DEQ) to Daimler / Freightliner since 2005 to test new heavy truck technology. The current exemption granted by DEQ cannot be continued and the Department of Justice determined that there is no mechanism that allows ODOT to provide a similar tax exemption.

The provisions provide the statutory means for Daimler to continue its testing program in Oregon without paying fuel tax or weight-mile tax.

When HB 2465 becomes effective, the exemption from fuel tax and weight-mile tax will be retroactive to January 1, 2015.

## Repeal of exemption from motor carrier regulation for certain heavy equipment

ORS 825.017 exempts classes of motor vehicles from the motor carrier statute, chapter 825, including taxation and motor carrier safety regulation. Section 16 rescinds the exemption provided for off-road equipment that meets the criteria stated in current law ORS 825.017(15).

The Legislative Assembly granted the exemption many decades ago. The rationale for the exemption is not known, but may have related to the original purpose of chapter 825, economic regulation of motor carriers.

Rescinding this exemption addresses an issue raised by the Federal Motor Carrier Safety Administration in a recent audit of Oregon motor carrier laws.

## Use of Photo Radar in Portland High Crash Corridors

House Bill 2621

Effective date: upon signature by the governor (operative date, January 1, 2016)

House Bill 2621 authorizes an eight-year pilot project for the City of Portland to operate photo radar on urban high crash corridors. These are highway segments where the incidence of fatalities and serious injuries is at least 25 percent higher than similar highway segments. The Portland City Council must find that speeding is affecting traffic safety negatively in order for the city to use photo radar units in a corridor.

The city must operate the photo radar units at its own expense. The city may not operate photo radar on access controlled highways. The city must also post signs alerting motorists to the photo radar units. A police officer need not be present at the location of a photo radar unit but must review the photographic evidence and sign the citation.

The city may use the proceeds of citations to pay the cost of operating and maintaining photo radar units and to improve traffic safety for all modes of transportation.

The city must evaluate the effect of photo radar on traffic safety and report the results of its evaluation to the Legislative Assembly no later than March 1 of odd-numbered years.

## Offense of Unlawful Parking in Alternative Fuel Vehicle Space

House Bill 2625

Effective date: January 1, 2016

HB 2625 creates a new parking violation: the offense of unlawful parking in a space reserved for alternative fuel vehicle refueling. A person commits the offense when he or she parks a vehicle in a space that (1) is open to the public, (2) is marked for alternative vehicle refueling, and (3) is not actively refueling a vehicle.

The new offense is a Class D traffic violation, punishable by a fine of up to \$250.

Parking regulations are enforced by local government. DMV does not record parking violations on driver records.

## Siblings Eligible for Gold Star Plates

House Bill 2658

Effective date: October 1, 2015

House Bill 2658 allows DMV to issue veterans' recognition registration plates displaying a gold star decal and the words "Gold Star Family" to a person who is a sibling of a member of the U.S. Armed Forces who has been killed in action.

Under current law, the department may issue "Gold Star Family" veterans' recognition plates to the parents, spouses or dependents of a member of the U.S. Armed Forces who has been killed in action [ORS 805.105 (1) (d)]. The bill adds a "sibling" to the list of relatives who may request a "Gold Star Family" veterans' recognition plate.

## Court Discretion to Waive Ignition Interlock Device in Certain Cases

House Bill 2660

Effective date: January 1, 2016

House Bill 2660 changes the conditions under which a court must order installation of an ignition interlock device (IID) and those under which the court has discretion to order an IID to be installed when a person is participating in a driving under the influence of intoxicants (DUII) diversion agreement.

A court must order installation of an IID for a person participating in a DUII diversion agreement under three circumstances:

- When the person refused a breath or blood test;
- When a breath, blood or urine test disclosed a blood alcohol content (BAC) of 0.08 percent or more by weight; or,
- When blood or urine test disclosed a BAC greater than zero but less than 0.08 percent by weight and also disclosed the presence of a controlled substance or an inhalant.

A court may order installation of an IID when the person submitted to a breath, blood or urine test and the test disclosed a BAC less than 0.08 percent by weight, including a BAC of 0.00.

HB 2660 also reorganizes statutes related to IIDs

## DBE/MWESB Required to Maintain Status

House Bill 2716

Effective date: June 10, 2015 (operative January 1, 2016)

House Bill 2716 requires that ODOT, and other public contracting agencies, awarding a contract in the course of carrying out an affirmative action goal, policy or program, require the contractor to remain certified as a disadvantaged, minority, women or emerging small business enterprise (DBE or MWESB) for the duration of the contract, if the contractor's certification was a basis of the award. This must be a material condition of the contract and must be included in any of the contractor's subcontracts, if a DBE or MWESB certification was a basis of the subcontract award.

ODOT awards about 125 public improvement contracts each year. About 25 percent of these contracts involve awards based on DBE and MWESB certification. ODOT must verify the primary contractor's and its subcontractors' compliance with HB 2716's provisions. In addition, ODOT must verify the prime contractor is paying its subcontractors promptly. Prompt payment of subcontractors is a requirement of current law.

If ODOT determines that a prime contractor is not in compliance with the terms and conditions of the contract, ODOT may terminate the contract or exercise the remedies for breach of contract.

The provisions that a firm remain certified for the duration of the contract or subcontract do not apply to an emerging small business that outgrows the MWESB program or firms whose certification as a DBE or MWESB expires during the term of the public contract.

## Trail Blazer Plate, Cancer Awareness Plate and Specialty Plate Program Changes

House Bill 2730

Effective date: upon signature by the governor

House Bill 2730 directs DMV to establish two new specialty plates (Portland Trail Blazer and breast cancer awareness plates). The bill also creates a process to be administered by DMV for establishing additional specialty plates. HB 2730 closes new access to the group plate program, but allows existing group plates to continue.

Once the department receives the money needed to cover the cost of establishing the new Trail Blazer plate, DMV will work with the Trail Blazer Foundation on the plate's design. The Trail Blazers will approve the final design. The Portland Trail Blazer plate carries a \$40 surcharge in addition to the regular fees for issuance and renewal of vehicle registration. Proceeds of the surcharge, net of DMV's administrative cost, will be transferred to the Trail Blazer Foundation to fund youth-related programs and initiatives. The Trail Blazer Foundation will report to the legislative committees on transportation annually on its grant-making activities.

Once the department receives the money needed to cover the cost of establishing the new breast cancer awareness plate, DMV will begin work on the plate's design which must include a symbol or artwork representing breast cancer awareness. The breast cancer awareness plate carries a \$40 surcharge in addition to the regular fees for issuance and renewal of vehicle registration. Proceeds of the surcharge, net of DMV's administrative cost, will be transferred to the Oregon Health Authority to fund its activities related to early detection of breast and cervical cancer.

HB 2730 repeals the five specialty plate limit currently in statute. The department must adopt rules under which DMV may receive applications from tax-exempt 501(c)(3) nonprofit groups, institutions of higher education or public bodies for issuance of new specialty plates. Among other things, the sponsor of a proposed specialty plate must cover the cost of establishing the new specialty plate and collect and hold prepaid vouchers for the new plate until it has accumulated at least 3,000 prepaid vouchers before DMV begins to work on the new plate's design.

Any new specialty plate established under the new process will have a \$40 surcharge. Proceeds, net of DMV's administrative expenses, will be paid to an account designated by the nonprofit, institution of higher education or public body.

HB 2730 ends DMV's group plate program. No new group plate series may be created, unless DMV receives an application for a new group plate prior to the effective date of the bill. Existing series may continue as long as they meet annual sales/renewal requirements.

## Medical Exemptions from Safety Belt Use

House Bill 2837

Effective date: January 1, 2016

House Bill 2837 allows a nurse practitioner or a physician assistant to sign a certificate of exemption from the requirement to use a safety belt, safety harness or child safety system. The certificate is submitted to ODOT, Transportation Safety Division for review.

The driver and other vehicle occupants must use a safety belt, safety harness or child safety system. The law recognizes that there are circumstances when the requirement to use a seat belt, etc. may be impractical or harmful and provides an exception process.

Only a physician may sign a certificate of exemption under the current law. HB 2837 recognizes the changing structure of health care delivery by allowing other health care professionals to sign a certificate of exemption.

## Representation at Vehicle Dealer Auctions

House Bill 2886

Effective date: January 1, 2016

House Bill 2886 clarifies that an independent contractor who is representing a vehicle dealer at a “dealer-only” vehicle auction must be certified as a vehicle dealer. In addition, anyone acting on behalf of a certified dealer must be an employee of the dealer – not merely an “authorized representative.”

Under current law vehicle dealers may be represented at a dealer-only vehicle auction by any authorized representative, including independent contractors. While some independent contractors are certified vehicle dealers, others are not. Oregon certifies and regulates vehicle dealers to ensure they have the proper education, insurance, and security bonds to protect customers.

HB 2886 makes it clear that an independent contractor must be a certified vehicle dealer to represent a vehicle dealer at a “dealers-only” vehicle auction. It also makes clear only employees (not mere “authorized representatives”) of a certified dealer may participate in these auctions.

## Transportation Statute Clean-Up

House Bill 2912

Effective date: May 21, 2015

House Bill 2912 updates statutes to remove outdated provisions and repeals statutes that are outdated or obsolete. Among the outdated provisions being removed is the requirement that the operator of a commercial motor vehicle carry proof of medical qualification when operating the vehicle.

2014 HB 4133 (Chapter 101, 2014 Oregon Laws) directed the Office of Legislative Counsel and the Oregon Department of Justice (DOJ) to review Oregon statutes to identify laws that were outdated, obsolete or duplicative of other laws. HB 2912 resulted from a review of transportation-related statutes (ORS 184.610 to 184.899 and ORS chapter 366) and the Oregon Vehicle Code (ORS chapters 801 to 825). The review was conducted by Legislative Counsel and DOJ with assistance from ODOT staff.

Most of the 41 statutes revised or repealed do not affect ODOT's operations, expenditures or revenues. The repeal of the four reporting requirements listed below reduce work load and expense and are exceptions:

- Highway Construction Plan Report (ORS 184.664)
- Quarterly Status Report for Projects in Highway Construction Plan (ORS 184.658)
- Summary of Effect of Mandates and Regulations on Cost Report (ORS 184.666)
- Office of Innovative Partnership Program Activity Report (ORS 367.826)

In addition to these reports, HB 2912 repealed the quarterly status report for the Columbia River Crossing project. The report was intended to keep the Legislature apprised of the project's status until 2024, the end of the project's anticipated construction. The report no longer served a purpose when the project was closed in May 2014.

## 90-Day Extension for Driver Licenses for Returning Overseas Volunteers

House Bill 3005

Effective date: January 1, 2016

House Bill 3005 provides a 90 day "grace period" during which a volunteer's driver license remains valid after he or she returns to Oregon if the driver license expired while out of the country.

If the person who volunteered for service outside the country is cited by law enforcement for driving with an expired license, the volunteer must show the court that his or her license expired while performing volunteer service outside the country. The court will, then, dismiss the citation.

## Ban the Box

House Bill 3025

Effective date: January 1, 2016

House Bill 3025 makes it an unlawful employment practice for an employer to exclude an applicant from an initial interview solely because of a past criminal conviction. The practice is subject to enforcement by the Bureau of Labor and Industries (BOLI).

HB 3025 does not prevent an employer from considering an applicant's conviction history when making a hiring decision. Additionally, the provisions of the bill do not apply in circumstances where federal, state or local law requires the consideration of an applicant's criminal history, to law enforcement agencies, criminal justice system employers or an employer seeking a nonemployee volunteer.

ODOT will align our Human Resources recruitment practices with the requirements of the bill.

## Use of Flashing School Zone Lights

House Bill 3035

Effective date: May 21, 2015

House Bill 3035 allows a flashing light to be used to notify drivers of a school zone. The flashing light may be used between 7 a.m. and 5 p.m. when school is in session provided that the school has a parking lot located across the street and the street has a speed limit or a designated speed of 45 mph or greater.

HB 3035 was introduced to address the situation at the Cloverdale Elementary School in Marion County. Marion County Public Works determined that the school zone at the Cloverdale Elementary School did not have conditions specified in current law that would allow use of flashing light to alert drivers to the school zone. The Cloverdale School is located on Parrish Gap Road, a Marion County road. The school is located close to the right-of-way and has an overflow parking lot across the road from the school.

HB 3035 provides another tool to address pedestrian safety around schools. There may be other schools located across the state where the conditions specified in HB 3035 are met.

## **Additional Privacy Protection from Public Records Disclosure**

House Bill 3037

Effective date: April 9, 2015

House Bill 3037 modifies public records law. It adds categories of information that are exempt from public records disclosure. A public body that is in possession of this information about employees and volunteers must redact residential addresses and phone numbers, personal email and cellphone numbers, social security numbers, employer-issued ID card numbers and emergency contact information before making a public records disclosure.

HB 3037 does not affect Oregon's Record Privacy Law (ORS 802.175 – 802.191), access to driver license and ID card photos (807.115) or social security numbers (802.195) which govern the privacy of records held by the department.

## **HAZMAT / Oil Spill Preparedness Plans**

House Bill 3225

Effective date: upon signature by the governor (operative January 1, 2016)

House Bill 3225 requires the State Fire Marshal to adopt a plan by rule to implement a statewide hazardous material emergency response system for a coordinated response to oil or hazardous materials spills that occur during rail transport. This requirement becomes effective January 1, 2016.

The State Fire Marshal must coordinate annually with local governments and state agencies involved in hazardous materials response to prepare a report on the coordinated response plan that was adopted by rule. The report must be submitted to the Legislative Assembly no later than February 1 each year.

HB 3225 does not affect the department's rail inspection program or its ongoing efforts to update OAR 741-510 concerning roles and responsibilities for communications and notifications of hazardous materials rail transport and incident response.

## Transition between Qualified Rehabilitation Facility Contractors

House Bill 3248

Effective date: June 22, 2015

State agencies, including ODOT, contract with qualified nonprofit agencies providing employment for individuals with disabilities. These qualified entities are known as QRFs. Established by the Legislative Assembly in 1977, the QRF program is intended to encourage and assist individuals with disabilities in achieving as much personal independence as possible through useful and productive gainful employment by assuring an expanded and constant market for services.

House Bill 3248 obligates a public agency terminating a contract with a qualified nonprofit to require in a new contract for the same work with a different qualified nonprofit that the new qualified nonprofit offer employment to employees of the terminated qualified nonprofit.

The employees covered by this transitional contract provision are those who work 28 hours per week or more. The contract must require the new contractor to offer employment to individuals with disabilities from the old contract within 90 days of the executing new contract with equal or better hours, wages and benefits.

ODOT has a number of contracts with qualified nonprofit agencies that employ individuals with disabilities.

## Passenger Rail On-Time Performance and Ridership Improvements

House Bill 3401

Effective date: June 2, 2015

House Bill 3401 directs ODOT to study and make recommendations on options to improve on-time performance of the Amtrak Cascades passenger trains and to increase ridership. This includes studying modern dispatch systems and protocols, identifying infrastructure and technology and identifying potential state and federal funding for passenger rail. ODOT must consult with the railroads as it studies the options and makes recommendations.

ODOT must also conduct two planning efforts. The department must study options to optimize ridership on the trains, including developing a proposed schedule for the trains and buses that are used by the passenger rail carriers. ODOT must also develop and implement a plan to increase passenger ridership and ticket revenue. The plan must include a marketing strategy and strategies for boosting ridership and tourism using passenger rail.

The department must report on all three study efforts to interim legislative committees on transportation by November 30, 2015.

The department must also submit a quarterly report to the legislature on passenger rail ridership and on-time performance.

## Increase Speed Limits on Eastern Oregon Highways

House Bill 3402

Effective date: upon signature by the governor (operative date, March 1, 2016)

House Bill 3402 sets the speed limits on certain highways in Central and Eastern Oregon. In general, the bill sets one speed limit (70 mph or 65 mph) for most vehicles and a speed limit 5 mph lower for trucks with a gross vehicle weight rating greater than 10,000 pounds, school buses, school activity vehicles, worker transport buses, church activity buses, and other buses. Where necessary, the department may designate a lower speed on segments of these highways after conducting a speed study.

The highways affected by HB 3402 include:

- I-84 east of The Dalles – 70 mph / 65 mph
- US 95 between the Idaho state line and the California state line – 70 mph / 65 mph
- US 20 between Bend and Ontario – 65 mph / 60 mph
- US 197 and US 97 between The Dalles and Klamath Falls – 65 mph / 60 mph
- OR 31 between Valley Falls and La Pine – 65 mph / 60 mph
- OR 78 between Burns Junction and Burns – 65 mph / 60 mph
- US 395 between Burns and John Day – 65 mph / 60 mph
- OR 205 between Burns and Frenchglen – 65 mph / 60 mph
- US 26 between John Day and Vale – 65 mph / 60 mph

The higher speed limits specified in HB 3402 on US 95, US 20, US 197 and US 97 do not apply to highways within city limits.

Except for I-84 where the speed limit is 65 mph / 60 mph trucks, these highways generally have 55 mph posted speeds.

The new speed limits will go into effect on March 1, 2016, giving the department time to identify locations where 65 / 60 speed limits may not be safe and to transition between the old posted speed and new speed limit signs.

## Disposition of Surplus Property

House Bill 3524

Effective date: January 1, 2016

House Bill 3524 requires state agencies to offer surplus property for sale, exchange or lease to nonprofit organizations, tribal governments and local governments that will develop the property for low-income housing before it is offered to the public.

In addition, HB 3524 requires state agencies to review property they own or control that is located within an urban growth boundary. If the property is not being used for a public purpose and will not be needed for a public purpose within the next five years, agencies are required to declare the property to be surplus and to be offered for sale.

ODOT and the Department of State Lands are exempted from the requirement to declare property to be surplus, if it is not needed for a public purpose within five years. For ODOT, the transportation planning window for property is much longer than five years and the exemption addresses ODOT's need to retain property longer for transportation purposes.

When ODOT disposes of surplus property, the department must recoup fair market value for the property because the surplus property is an asset of a dedicated trust fund.

## 2015-2017 Department of Aviation Budget

House Bill 5004

Effective date: July 1, 2015

House Bill 5004 is the budget bill for the Oregon Department of Aviation. HB 5004 authorizes \$9.6 million (total funds) to support the department's activities during the 2015-17 biennium.

The department manages and maintains 28 state-owned airports, completes compliance inspections of the state's 97 public use airports on a tri-annual basis, advocates for and plans for the safe operation, growth, and improvement of aviation in Oregon, supports search and rescue, and registers all pilots and non-military aircraft based in Oregon.

HB 5004 anticipated revenue raised by fee increases in Senate Bill 269. SB 269 increased pilot, aircraft and public airport registration fees and is expected to generate \$219,285 for the 2015-17 biennium.

In addition, HB 2075 increased the jet fuel and aviation gasoline tax by the 2¢ per gallon. HB 2075 increased the department's budget for 2015-17 by \$5.3 million for expenditure of the additional revenue.

The Oregon Department of Aviation and ODOT have a close working relationship. Aviation purchases administrative services from ODOT, including, but not limited to, revenue collection, accounting and budgeting.

## State 2015-2017 Bond Limits

House Bill 5005

Effective date: upon signature by the governor

House Bill 5005 limits the maximum amounts of bonds that may be issued by state agencies, including the Oregon Department of Transportation, during the 2015-17 biennium. HB 5005 contains two bond limits for ODOT:

- \$35,475,000 in Article XI, section 7 General Obligation Bonds
- \$393,160,000 in Highway User Tax Bonds

The \$35,475,000 in General Obligation Bonds will finance the six highway safety projects below:

US 26 – 116th to 136th (Outer Powell Blvd)	\$17,000,000
OR 126 – Eugene to Florence	\$7,000,000
US 26 Warm Springs	\$1,500,000
I-5 Cable Barriers – Southern Oregon	\$2,500,000
OR 34 – I-5 to Corvallis	\$3,000,000
I-84 – Pendleton to La Grande	\$4,000,000
<b>Total</b>	<b>\$35,000,000</b>

The Highway User Tax Bonds would be the second bond issuance from the \$840 million in bonds authorized in 2009 to finance the Jobs and Transportation Act highway improvement projects.

HB 5005 limits the amount of Lottery Revenue bonds that may be issued by the Department of Administrative Services (DAS) to \$219.29 million. This includes bonds authorized by HB 5030 to yield \$45 million in net proceeds for the *ConnectOregon* VI.

See HB 2274 for changes to the policy governing the *ConnectOregon* program and HB 5030 for the *ConnectOregon* bond authorization.

HB 5005 affects ODOT's Legislatively Adopted Budget, HB 5040.

## 2015-2021 State Agency Capital Construction

House Bill 5006

Effective date: upon signature by the governor

House Bill 5006 is the legislatively approved list of building and major remodeling projects for state agencies for the six years beginning July 1, 2015.

HB 5006 authorizes two projects for ODOT:

- \$4.5 million for the South Coast Maintenance Station.
- \$7.5 million for the Meacham Maintenance Station.

HB 5006 also contains a \$1 placeholder limitation so that a project for co-location of maintenance facilities with local government(s) may be considered during the 2016 legislative session or at a subsequent meeting of the Emergency Board.

In addition, HB 5006 extends the project completion dates for several ODOT building and major renovation projects (the T-Building reconstruction, the State Radio Project and the Salem Baggage Depot) to June 30, 2017.

HB 5006 affects ODOT's Legislatively Adopted Budget.

## 2015-2017 Lottery Revenue Allocations

House Bill 5029

Effective date: upon signature by the governor

House Bill 5029 allocates the proceeds of the state lottery and the Criminal Fine Account for the 2015-17 biennium.

HB 5029 makes constitutionally and statutorily dedicated allocations. This includes \$225.6 million of lottery revenue to the Department of Administrative Services (DAS) to meet the debt service obligations of state agencies for outstanding lottery-backed bonds. The money is allocated to DAS since the DAS Capital Management Section manages debt service for state agencies. The legislative expectation is that all newly authorized lottery-backed bonds will be issued in the spring 2017 so that there will be no debt service in 2015-17.

HB 5029 also allocates a portion of the money in the Criminal Fine Account. Most allocations go toward prevention programs in the justice system. There are two programs of note in the area of transportation safety:

- \$253,000 is allocated to Oregon State Police for Driving Under the Influence Enforcement.
- \$4.3 million is allocated to the Oregon Health Authority for the Intoxicated Driver Program Fund.



## 2015-2017 Lottery Bond Authorizations / *ConnectOregon* VI

House Bill 5030

Effective date: upon signature by the governor

House Bill 5030 is an omnibus bill that authorizes state agencies to issue bonds that are backed by the proceeds of the state lottery. HB 5030 bill authorizes the Department of Administrative Services to issue lottery bonds on behalf of ODOT to yield \$45 million in net proceeds for the multimodal *ConnectOregon* VI program and to yield \$10 million in net proceeds for the Coos Bay Rail Link.

*ConnectOregon* VI will provide grants for air, bicycle and pedestrian, marine/port, public transportation and rail projects. *ConnectOregon* VI requires at least 10 percent of the program's funding to be allocated to each ODOT region of the state. HB 2274 modified the *ConnectOregon* program to make non-roadway bicycle and pedestrian projects eligible for funding.

The \$10 million in bond proceeds for the International Port of Coos Bay will be used to acquire, construct or improve the Coos Bay Rail Link. The money will be deposited in the DOT Economic Development Distributions Fund for distribution to the Port because the Port does not receive appropriations directly from the Legislative Assembly.

SB 5507 amends ODOT's appropriation bill, HB 5040, to include the expenditure limitation for *ConnectOregon* and the International Port of Coos Bay bonds. The budget report for SB 5507 also states the legislative expectation that these bonds would be issued late in the 2015-17 biennium so that the state would not incur debt service for them in the biennium.

HB 5030 affects ODOT's Legislatively Adopted Budget, HB 5040.



## 2015-2017 Department of Transportation Legislatively Adopted Budget

House Bill 5040

Effective date: upon signature by the governor

House Bill 5040 is ODOT's Legislatively Adopted Budget for the 2015-17 biennium. ODOT is responsible for a wide range of programs and activities related to Oregon's transportation systems. The agency is involved in maintaining and improving highways, roads and bridges, railways, public transportation services, bicycle and pedestrian paths, transportation safety programs, driver and vehicle licensing, and motor carrier regulation.

Budget highlights include \$10.4 million in General Fund for Passenger Rail, \$30.4 million limitation for the first phase of the DMV IT upgrade, Service Transformation Program (STP), \$35 million in General Obligation bonds for Safety Projects and \$45 million in lottery bonds for *ConnectOregon*.

The agency's budget includes the following program units:

- Highway: Maintenance, Preservation, Bridge, Highway Operations, Modernization, Special Programs, Local Government, State Radio Project
- Driver and Motor Vehicle Services
- Motor Carrier Transportation
- Transportation Program Development
- Public Transit
- Rail
- Transportation Safety
- Central Services
- *ConnectOregon*
- Debt Service
- Oregon Transportation Infrastructure Bank
- Capital Improvements

The department's 2015-17 Legislatively Adopted Budget totals \$3.5 billion in total funds and 4,510 positions (4,400.89 FTE). The 2015-17 budget is 28 percent less in total funds than the 2013-15 Legislatively Adopted Budget.

HB 5040 also makes retroactive changes in the budget for the 2013-15 biennium to accommodate highway projects that were completed ahead of schedule and for transit projects that were carried forward from the 2011-13 biennium.

### Notes for 2015-17 Budget

Budget notes are a record of directions given by the budget subcommittees to the department during the budget discussion. The verbatim text of the two budget notes that apply to ODOT is included below. The budget notes can also be found in the Budget Report and Measure Summary for HB 5040 dated June 24, 2015.

### **DMV Service Transformation Program - Budget Note:**

“The DMV STP will replace aging hardware and software solutions with a modern business and information platform. The approved budget incorporates ODOT-DMV request for \$30.4 million for the DMV Service Transformation Program (STP). Resources to implement this program may be unscheduled. The Oregon Department of Transportation (ODOT) is directed to convene a legislative workgroup to oversee the near-term phase and the long-term strategy to modernize all aspects of the DMV Service Transformation Program. The Workgroup shall consist of the following:

- “Three Oregon Senate Members,
- “Three Oregon House Members,
- “The State Chief Information Officer or designee,
- “One State Legislative Fiscal Office representative, and
- “Two private-sector members from the Technology Association of Oregon.

“The Department (ODOT) is further directed to work with the OSCIO and LFO, to engage and follow the “Stage-Gate” project and approval process.

“Additionally, the department is directed to report to the Joint Committee on Ways and Means during the 2016 Legislative Session on the status of the DMV Service Transformation Program.”

### **Credit Card Merchant Fee Cost Recovery - Budget Note:**

“ODOT DMV and Motor Carrier Divisions are instructed to work collaboratively with the Oregon State Treasurer to develop necessary systems, agreements and requirements to implement a credit card merchant fee cost recovery method. This may include, but not be limited to: an assessment of transactions wherein the user of the card is charged the bank transaction fee, in addition to payment made to the agency for the tax, fee or other charge required by the department, and the 2014 recommendations of the Task Force on Transportation and Customer Service Efficiency.”

ODOT’s Legislatively Adopted Budget for 2015-17 is directly affected by other legislation passed during the 2015 Legislative session:

- SB 501 (Program Changes)
- HB 5005 (Bond Limits)
- HB 5006 (Capital Construction)
- HB 5030 (Lottery Bonds)
- SB 5507 (Budget Reconciliation)

## Urges Congress to Reauthorize Build America Bonds

House Joint Memorial 5

House Joint Memorial 5 urges Congress to authorize a federal bond program comparable to the America Fast Forward Bonds program or the Build America Bonds program in order to help states and local governments to finance their infrastructure in the most efficient manner available.

The federal government provided interest rate subsidies for the Build America Bonds, reducing the cost of borrowing for state and local government issuers during 2009 / 2010. America Fast Forward is a similar proposal advocated by the Los Angeles Metro and other local governments.

ODOT issued some of its Oregon Transportation Investment Act debt as Build America Bonds in 2010. If the Build America Bond program is reauthorized by Congress, ODOT may be able to take advantage of the program when it issues the final portion of the bonds authorized by the Jobs and Transportation Act.

## Senate Bills

### Designates William Tebeau Memorial Highway

Senate Bill 5

Effective date: January 1, 2016

Senate Bill 5 designates the portion of OR 126 between Florence and Eugene as the William Tebeau Memorial Highway.

Mr. Tebeau was the first African American man to attend Oregon State College in 1948. He overcame prejudice and obstacles to graduate from the engineering program. He was a long time ODOT employee, pioneering the hydrologic analysis for the bridges on OR 126. He was also an educator, teaching at Chemeketa Community College for thirty years, and mentor to many young engineers.

ODOT will place and maintain memorial markers on OR 126 west of Eugene indicating the highway's designation as the William Tebeau Memorial Highway.

### Collection of Debts Owed the State

Senate Bill 55

Effective date: upon signature by the governor

Senate Bill 55 allows state agencies that request persons engaged in financial transactions to voluntarily provide their social security numbers (SSNs) provide notice that their SSNs may be used for debt collection activities. The Department of Administrative Services will adopt the form of the notice by rule and set procedures to allow state agencies to share SSNs between themselves, Department of Revenue and private debt collection agencies that work for the state.

SB 55 also makes minor changes to the annual report that state agencies must make to the Legislative Fiscal Office concerning liquidated and delinquent debt and to the Legislative Fiscal Office's report to the Legislative Assembly.

Central Services Division collects delinquent debt owed to the department. ODOT's collection activity will use updated forms and letters that reflect SB 55's changes in how SSNs may be used as well as update tracking and disbursement of payments received on accounts assigned to private collection firms and the Department of Revenue.

## Flexibility to Meet Mobility Standards

Senate Bill 120

Effective date: June 8, 2015

Senate Bill 120 directs the Land Conservation and Development Commission (LCDC) to adopt rules as needed that allow a city or a county to propose transportation project(s) in another jurisdiction that could be used to meet the vehicle mobility standards for the highway corridor adopted by the Oregon Transportation Commission in the Oregon Highway Plan.

Cities and counties have various transportation functional, comprehensive and land use plans. Comprehensive plans are amended to take into account changes in land use and development. Development often affects transportation facilities, such as state highways and intersections between, or interchanges with, local facilities, inside their boundaries. Under rules to be adopted by LCDC, a city or county could propose transportation improvement(s) located in another city or county to mitigate the impact of a plan amendment when the amendment would have a significant effect on a state highway facility located within its boundaries.

ODOT must submit a report describing implementation of SB 120 in conjunction with the Department of Land Conservation and Development by September 30, 2016.

## Task Force on Willamette Falls Locks

Senate Bill 131

Effective date: upon signature by the governor

Senate Bill 131 establishes a 17-member Task Force for the Willamette Falls Navigation Canal and Locks to study issues relating to repair, reopening and operations of the locks. The ODOT Director will appoint one member of the department as a representative to serve on the Task Force.

The Task Force has the following duties:

- Compile information relating to the Willamette Falls navigation canal and locks.
- Consider means of facilitating the repair and reopening of the Willamette Falls navigation canal and locks.
- Develop a plan for the sustainable operation of the canal and locks.
- Consider governance models for the lease or transfer of the canal and locks to a local, regional, state or other entity.

Oregon Solutions at Portland State University will provide staff support for the Task Force.

## Travel Information Council

Senate Bill 139

Effective date: June 10, 2015

Senate Bill 139 reduces the membership of the Travel Information Council from eleven to nine members. It removes the requirement that applications for a permit to serve coffee and cookies be submitted at least 60 days before service begins and that the permit to offer coffee and cookies be issued at least 30 days before service begins. The Travel Information Council may specify timelines through its rulemaking authority around the permit program.

The chairperson of the Oregon Transportation Commission or a designee serves on the Travel Information Council. The Council, doing business as Oregon Travel Experience, manages rest areas on the interstate highways and other state highways under agreement with ODOT.

## For-hire Passenger Transportation Deregulation

Senate Bill 142

Effective date: January 1, 2016

Senate Bill 142 deregulates for-hire passenger transportation. It also subjects the vehicles owned or operated by mass transit (TriMet, Salem-Keizer Transit and Lane Transit) and transportation districts, county service districts or entities formed by intergovernmental agreement that are exempt under current law to the safety regulations for motor carriers.

SB 142 affects Rail and Public Transit's Rural Intercity Network program. Deregulating for-hire carriers of passengers resolves confusion around what is considered competition in public transportation services. The bill may encourage additional service to improve the quality and quantity of intercity service, more efficient design of routes and connections with private transportation providers, and create incentive for private providers to connect with public transportation so that routes are more productive.

Motor Carrier Transportation currently regulates seven private passenger service operators in Oregon. Deregulating passenger service will have a minimal effect on the division's work load.

## Work Group on Use of ATVs on Highways

Senate Bill 192

Effective date: January 1, 2016

Senate Bill 192 directs the State Parks and Recreation Department to convene a work group that includes all-terrain vehicle (ATV) users, ATV dealers, staff from ODOT, and other stakeholders. The work group will study options to allow ATVs to operate on state highways. The work group's conclusions and recommendations for legislation must be reported to the appropriate interim committee no later than September 15, 2016.

As initially conceived, SB 192 would have allowed ATVs to be operated on state highways in sparsely populated counties. ATVs are not built for on-road driving and lack safety features that are part of on-road vehicles, raising significant safety concerns.

## Jobs and Transportation Act Project Reallocation

Senate Bill 270

Effective date: June 10, 2015

Senate Bill 270 transfers money between projects named in the 2009 Jobs and Transportation Act (JTA) to reflect the reallocations authorized by the Legislature and made by the Oregon Transportation Commission. The bill also enacts recommendations made by the Commission in its October 2014 report to the legislature.

SB 270 repeals the authority that the legislature had previously given the Oregon Transportation Commission to transfer money between the allocations for the I-5 at I-205 Interchange and I-84 at 257th Interchange and between the allocations for the US 26: 185th to Cornell and US 26 at Shute Road Interchange projects. The authority became obsolete with the statutory changes in project allocations made in the bill.

The bill adds a provision that directs the Commission to reallocate any money that remains from the I-5 at Beltline project allocation to the Beltline at Delta Highway project when the I-5 at Beltline project is complete and from the US 26 at Shute Road project to the US 26: Cornelius Pass to Cornell Road Project.

SB 270 is the third time the Legislative Assembly has acted to reallocate money among JTA projects since the JTA was passed in 2009. The JTA identified 37 specific projects and allocated funding to 12 local governments in eastern Oregon, for a total of 51 projects and total project expenditure of \$960.3 million. Project allocations were revised in 2012 and 2013.

The total amount committed to JTA projects remains \$960.3 million.

## State Rail Fixed Guideway Safety Oversight

Senate Bill 271

Effective date: June 18, 2015

Senate Bill 271 updates the statute that authorizes Oregon's Rail Fixed Guideway State Safety Oversight Program, ORS 824.045. The bill brings Oregon into compliance with the standards adopted in the federal transportation legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21). The bill makes key changes in the statute:

- To prohibit an assessment on the transit system subject to state oversight if such an assessment is prohibited by federal law.
- To provide specific authority to approve, audit, enforce, inspect, investigate and oversee transportation agency safety plans and the systems themselves.

ODOT Rail and Public Transit Division (RPTD) currently has a State Safety Oversight program as authorized by current law (ORS 824.045 and the federal regulations in effect before MAP-21). The program oversees both TriMet's MAX system and the Portland Streetcar (systems that receive Federal Transit Administration funds) and the Astoria Trolley and Willamette Shore Trolley (systems that do not receive Federal Transit Administration funds).

SB 271 revises Oregon's statutory authority in ORS 824.045 to comply with the federal requirements in MAP-21. It provides ODOT's State Safety Oversight program with the broader authority that is required by MAP-21. RPTD will revise its administrative rules for Oregon's SSO to implement SB 271 and the federal regulations.

Failure to comply with MAP-21's requirements could result in withholding of federal transit funds from ODOT and from Oregon's public transportation systems.

## Sanctions for DUII Offenders

Senate Bill 387

Effective date: January 1, 2016

Senate Bill 387 requires that an individual who is cited for driving under the influence of intoxicants (DUII) submit for booking. A court must ensure that the individual submits to booking on the charge of DUII, if he or she has not already been booked. In addition, when a court grants a petition for a DUII diversion agreement, the court must ensure that the person has been booked on the charge. The booking process ensures each DUII offense will be captured in the data used for research on recidivism, effectiveness of interventions, etc.

DUII offenders must be booked for DUII offenses committed on or after January 1, 2016, the effective date of the bill.

## Ignition Interlock Device Omnibus Measure

Senate Bill 397

Effective date: January 1, 2016

Senate Bill 397 requires ignition interlock devices (IID) providers to report to the court or the court's designee and the prosecutor that they have installed an IID in the vehicle(s) used by a person who is required to have an IID as a condition of a DUII diversion agreement. In addition, IID providers must report negative reports (tampering with or removal of an IID, lockout, or a test violation) to the court or designee and the prosecutor.

A DUII defendant who is required to use an IID must experience at least 90 days without a negative report before the courts may order the IID to be removed regardless of the term of time initially specified by the court for use of an IID. The bill also allows a defendant who has complied with the conditions of his or her diversion agreement for at least six months without a negative report, and who is complying their treatment program, to file a motion to vacate the IID requirement. The court may vacate the order to use an IID after considering relevant factors, such as the nature of the underlying crime, and must notify DMV.

DMV must prescribe the format that an IID provider must use to make a negative report. In addition, DMV may further define what constitutes a "test violation" by rule. When DMV receives the court order removing the requirement that a defendant use an IID, DMV must remove IID notation from the defendant's driving record "as soon as practicable."

## Darker Window Tinting

Senate Bill 463

Effective date: January 1, 2016

Senate Bill 463 changes the law concerning when darker window tinting than is otherwise allowed may be used. Current law allows the use of darker window tinting when the driver has a physical condition that requires less light be transmitted through the windows. An affidavit from a physician or optometrist provides the needed documentation. The bill allows the use of a prescription or letter on letterhead from physician or optometrist. The bill also allows use of such a document to benefit a driver who is in the same household as the person with the physical condition.

The driver may show the documentation to the officer who has stopped their vehicle. In addition, a court may dismiss a citation for the offense of illegal window tinting or reduce the fine that the court would otherwise impose after the defendant shows, to the court's satisfaction, that he or she or an individual in the household has a condition that requires less light be transmitted through the windows.

## Pacific Wonderland Plate Program Expansion

Senate Bill 472

Effective date: June 11, 2015

Senate Bill 472 increases the maximum number of Pacific Wonderland license plates that may be sold from 40,000 plates to 80,000 plates. The Pacific Wonderland license plate program was created in 2009 in recognition of the 150th anniversary of Oregon's statehood. Net proceeds of the \$100 surcharge, after administrative costs are deducted, are distributed equally to the Oregon State Capitol Foundation and the Oregon Historical Society.

SB 472 also gives the Oregon State Capitol Foundation greater flexibility in the use of its share of the proceeds of the Pacific Wonderland license plate program.

## Pay Equity Policy in Public Contracting

Senate Bill 491

Effective date: June 16, 2015

Senate Bill 491 requires the Department of Administrative Services (DAS) to set up a training program to ensure that proposers and bidders for contracts to provide goods, services and public improvements understand the provisions of state wage law that prohibit discrimination in compensation or wage payments and that allow employees to discuss their compensation or wages with other employees. Participants in the training program will receive a certificate of completion from DAS.

When a public contracting agency, such as ODOT, evaluates a bid or proposal, the contracting agency must ensure that a successful proposer or bidder have an unexpired certificate when the bidder or proposer has more than 50 employees or the procurement is for more than \$500,000.

The ODOT Procurement Office will add a step to its review process to verify that all bidders or proposers under either ORS 279B.110 or 279C.375 hold a current DAS certification for understanding state wage law.

## Driver License Renewal without Photo for Military Stationed Outside Oregon

Senate Bill 494

Effective date: January 1, 2016

Senate Bill 494 allows DMV to renew or replace a driver license or permit, without a photograph if the department does not have acceptable photograph on file, for an individual who is stationed outside of Oregon while serving in active duty military service.

Oregon's biometrics / facial recognition law was passed several years ago to protect against identity theft and fraud. The law allowing DMV to issue some driver licenses without a photo was limited to only two situations: individuals who have a facial deformity or individuals who have religious objections to a photo. SB 494 provides an additional narrow exception for military personnel who are serving overseas and wish to maintain Oregon as their residence.

## 2015-2017 Program Changes

Senate Bill 501

Effective date: upon signature by the governor

Senate Bill 501 makes the necessary changes in statutes and session laws to support the 2015-17 legislatively adopted budget, to clarify the application of statutes for the budget, and to modify provisions relating to the use of funds. SB 501 makes the following changes in the transportation program area:

- Allocates \$3.9 million to Multnomah County from ODOT's modernization program budget for construction of operational improvements on Cornelius Pass Road.
- Allocates \$5.0 million to Washington County from ODOT's modernization program budget for construction of safety improvement projects on OR 47 at Verboort and Purdin Roads.

SB 501 affects ODOT's Legislatively Adopted Budget, HB 5040.

## Motorcycles, Mopeds, Bicycles Proceed at "Dead Red" Light

Senate Bill 533

Effective date: January 1, 2016

Senate Bill 533 allows a motorcyclist or a bicyclist to proceed through a red traffic signal when the signal is controlled by a vehicle detection device and the motorcyclist or bicyclist has stopped and waited for at least one complete cycle of the traffic signal before proceeding.

SB 533 is intended to deal with a situation where the vehicle detection device does not detect the presence of a motorcycle or bicycle and goes through multiple cycles without allowing the motorcycle or bicycle to proceed (a "dead red").

## Disadvantaged Business Enterprise Program Update

Senate Bill 584

Effective date: May 21, 2015

Senate Bill 584 updates the statutes governing the certification of disadvantaged, minority, women-owned or emerging small business enterprises. The Oregon Business Development Department (Business Oregon) certifies qualifying firms as DBEs or MWESBs. ODOT and its contractors employ DBE and MWESBs to further Oregon's diversity and business development goals.

A public contracting agency, such as ODOT, shall suspend a certified firm's right to bid on a contract or subcontract or make a proposal for a period of time, if the firm engages in certain proscribed activities. SB 584 expands the list to include failure to perform a commercially useful function. If ODOT or another public contracting agency investigates a certified firm for failing to perform a commercially useful function, the agency is required to notify Business Oregon.

Business Oregon may conduct an investigation of its own. Business Oregon must revoke the firm's certification as a DBE or MWESB, if the firm exhibits a pattern of failing to perform a commercially useful function.

## Construction Flagging Contractor License

Senate Bill 596

Effective date: July 1, 2017

Senate Bill 596 requires that a person who engages as a construction flagging contractor must obtain a construction flagging contractor license from the Construction Contractors Board. The Construction Contractors Board must establish a licensing program for flagging contractors.

Not all contractors who offer flagging services are required to hold a construction flagging contractor license. SB 596 provides exceptions if the person already holds a valid license and endorsement as a general contractor or specialty contractor.

ODOT issues stand-alone contracts for flagging services for small operations, typically for surveying or certain maintenance operations and occasionally uses Qualified Rehabilitation Facilities to provide flagging services. Most flagging services are provided by a subcontractor on ODOT projects.

ODOT will update its contract language to ensure this new license requirement is included on all contracts that require flagging services.

## Designates Don Kendall Memorial Highway

Senate Bill 628

Effective date: January 1, 2016

Senate Bill 628 designates the portion of U.S. 395 from its junction with OR 74 to Ukiah as the Don Kendall Memorial Highway.

Mr. Kendall was a long serving employee of the Oregon Department of Transportation. He was a transportation maintenance specialist. He spent many years of his career working on U.S. 395 with the Ukiah maintenance crew. He died on the job in a tragic construction accident in 2014.

## Proper Operation of Motorcycles and Mopeds

Senate Bill 878

Effective date: January 1, 2016

Senate Bill 878 changes statute concerning proper operation of a motorcycle or moped. It allows a motorcyclist or moped driver to sit or stand astride the motorcycle or moped. The change made by the bill is consistent with safe riding behavior.

Current statute requires the driver remain seated astride at all times which could, if followed to the letter in all situations, be unsafe.

## Median Barriers on Interstate Highways

Senate Bill 921

Effective date: January 1, 2016

Senate Bill 921 is the Fritz-Fairchild Act. It directs ODOT to make efforts to complete installation of median barriers between lanes of traffic going in opposite directions on interstate highways. The barriers are to be installed where the distance between the directions of travel is 100 feet or less. The barriers may have breaks for emergency access and where installing a barrier would cause a safety or operational hazard to the traveling public.

The Fritz-Fairchild Act was brought forward following a tragic cross-over crash on I-5 in September 2014 in which Dr. Steven Fritz and Cary Fairchild were killed.

ODOT accelerated a project to install cable barrier between the travel lanes of I-5 and has closed the median from Portland to the Cottage Grove area.

## Local Option Registration Fee Prohibited When Officials Use Business Address on DMV Records

Senate Bill 943

Effective date: January 1, 2016

Senate Bill 943 adds an exemption from a county-levied vehicle registration fee. A county may levy a registration fee on vehicles registered in the county in addition to the state's vehicle registration fee. The statute that authorizes the county registration fee lists exemptions.

DMV administers a program that allows law enforcement officers and many other public officials to use their work addresses on their DMV record instead of their residence addresses. In some instances, these public officials work in a different county than the one in which they live. Because the local registration fee is assessed based on the DMV record, such an official could be required to pay the local registration fee despite not living in that county.

SB 943 allows an exemption for those public officials who work in a county that levies a county registration fee but do not live in that county. Only Multnomah County has a county vehicle registration fee.

## Standard Passenger Plates Optional for County Vehicles

Senate Bill 948

Effective date: June 22, 2015

Senate Bill 948 allows DMV to issue registration plates from a regular series upon request by the county for use on a county-owned vehicles rather than plates from the government "E plate" series. If a county chooses to purchase a regular series plate, the county must pay the registration fee associated with the plate (e.g., \$43 per year for a "tree" plate that is renewed every two years) rather than the \$3.50 fee for permanent government registration "E plate."

SB 948 provides a measure of safety and security to county commissioners and employees. Under current law, county-owned vehicles, including county-owned vehicles provided to county commissioners and other officials for their personal use, must be registered using government "E plates."

## Emergency Fund and Budget Reconciliation

Senate Bill 5507

Effective date: upon signature by the governor

Senate Bill 5507 is the end of session budget bill. The bill appropriates General Fund money to the Emergency Board, makes adjustments needed to balance the state budget, and makes appropriations for selected projects.

SB 5507 makes the following appropriations in the transportation program area:

*ConnectOregon VI*: The limitation for the *ConnectOregon* program is increased by \$45 million to fund projects in *ConnectOregon VI*.

Coos Bay Rail Link: The limitation for the Rail and Transit program is increased by \$10 million for the Coos Bay Rail Link.

Debt Service: The limitation for debt service is increased by \$1,354,734 to accommodate the bond issuance costs for the *ConnectOregon VI*, the Coos Bay Rail Link and \$35 million in General Obligation Bonds for highway safety projects.

Elderly and People with Disabilities Transportation Program: An additional \$130,000 in General Funds is appropriated to the program, bringing the total General Fund appropriation for the program to \$9.4 million for the 2015-17 biennium.

Task Force on the Willamette Falls Navigation Canal and Locks: A General Fund appropriation of \$62,300 was made to the Higher Education Coordinating Commission so that Oregon Solutions can fulfill its role as staff for the Task Force. The Task Force was authorized by SB 131.

The budget report for SB 5507 sets the legislative expectation that the lottery bonds for *ConnectOregon VI* and the Coos Bay Rail Link and the General Obligation Bonds for seven highway safety projects (see HB 5005, Bond Limit) will be sold in spring 2017 and that there will be no debt service on these bonds in the 2015-17 biennium. The budget report indicates that debt service for the General Obligation Bonds will be from the General Fund in 2017-19.

SB 5507 affects ODOT's 2015-17 Legislatively Adopted Budget, HB 5040.

## Deadlines for Introduction of 2016 Legislative Measures

Senate Concurrent Resolution 20

Senate Concurrent Resolution 20 sets rules for introduction of bills, memorials and resolutions in the 2016 Legislative Session. The resolution was adopted by the Senate and the House.

The resolution limits the number of measure drafts that may be requested from Legislative Counsel as follows:

- Each of the 90 members may request two drafts each.
- Each interim committee may request three drafts each.
- The Governor may request up to five drafts on behalf of executive branch agencies.
- The Chief Justice may request up to five drafts on behalf of the judicial branch.

The resolution does not limit the number of drafts from the Senate President, House Rules Committee or the Joint Committee on Ways and Means with respect to appropriation or fiscal measures.

The resolution also prescribes the following filing deadlines:

- November 24, 2015 — Members, committees, the Governor, and the Chief Justice must submit requests for drafts to Legislative Counsel no later than 5:00 p.m.
- January 11, 2016 — Legislative Counsel must deliver drafts to requesters no later than 5:00 p.m.
- January 19, 2016 — Requestors must submit drafts for introduction to the Senate desk or House desk no later than 5:00 p.m.

The deadlines do not apply to the Senate President, House Rules Committee or the Joint Committee on Ways and Means.

The 2016 Legislative Session will begin on Monday, February 1, 2016. The 2016 session may not exceed 35 calendar days in duration and must adjourn by March 6 unless two-thirds of the members of each chamber vote to extend the session by five calendar days.

## Memorial Signs

ORS 366.930 directs the Department of Transportation to install and maintain a Fallen Officer roadside memorial signs to commemorate public safety officers (corrections officers, State Police, police chiefs and other police officers, sheriffs and deputies) killed in the line of duty. HB 2389 amended ORS 366.931, creating a parallel process for Fallen Hero roadside memorial signs to commemorate members of United States Armed Forces who were killed in action or died of wounds sustained in action.

For a roadside memorial sign to be installed, the Legislative Assembly must pass a concurrent resolution recognizing the officer or member of the Armed Forces. ORS 366.930 and 366.391 also specify that ODOT must receive payment of a fee not to exceed the direct and indirect costs to cover installation, maintenance and removal of the sign.

In addition, the Legislative Assembly passed HB 2036 that designates U.S. 395 as the World War I Veterans Memorial Highway, Interstate 5 as the Korean War Veterans Memorial Highway and the Purple Heart Trail, and U.S. 101 as the Persian Gulf, Afghanistan and Iraq Veterans Memorial Highway.

Individuals and groups may contribute to the Roadside Memorial Fund established by ORS 366.932 to erect and maintain memorial markers, including signs for the Veterans Memorial Highways designated by HB 2036. Public bodies may not expend funds to pay the fee.

The 2015 Legislative Assembly adopted the following concurrent resolutions that recognize law enforcement officers killed in the line of duty, meeting the first condition for placement of Fallen Officer memorial signs:

- HCR 4 – Officer Jimmy Lee Shoop
- HCR 10 – Portland Police Officer Thomas Jeffries

The 2015 Legislative Assembly adopted the following concurrent resolutions that recognize members of the United State Armed Forces who died in the line of duty, for placement of Fallen Hero memorial signs:

- HCR 1 – Lance Corporal Joseph E. Rodewald
- HCR 2 – Corporal Kory Wiens
- HCR 3 – Sergeant Ian M. Tawney
- HCR 22 – Specialist Taylor Daniel Marks
- SCR 6 – Specialist Nickolas S. Welch
- SCR 7 - Specialist John Alexander Pelham
- SCR 12 – Lance Corporal Nathan Windsor
- SCR 14 - Corporal Keaton Grant Coffey
- SCR 16 – Specialist Mabry James Anders

# Reports to the Legislative Assembly

Some legislation enacted by the 2015 Legislative Assembly requires agencies to report to the Assembly or its committees. This section focuses on new or revised reporting requirements that affect ODOT or transportation generally.

## **Flexibility to Meet Mobility Goals Under the Transportation Planning Rule (SB 120)**

Development often affects transportation facilities. When a city or county is considering a plan amendment to accommodate new development, SB 120 allows it to propose a transportation project in another city or county in order to meet the vehicle mobility standards within the highway corridor.

ODOT and the Department of Land Conservation and Development are required to jointly submit a report describing the implementation of SB 120 to the interim transportation committees no later than September 16, 2016.

## **Transportation Statute Clean-Up (HB 2912)**

HB 2912 updated transportation-related statutes. Legislative Counsel (LC) and the Oregon Department of Justice (DOJ) with assistance from ODOT staff identified statutes that are outdated, obsolete, or duplicative of other laws using a process created by 2014 HB 4133 (Chapter 101, 2014 Oregon Laws).

HB 2912 removed six obsolete reporting requirements among the 40 statutes that it affected. These include the requirements that the department prepare:

- A Highway Construction Plan to accompany the biennial budget.
- A Quarterly Status Report on projects in the Highway Construction Plan.
- A biennial assessment of the effect of state and federal regulation on the cost of the maintenance, preservation and modernization of state highways.
- An annual report on the activities of the Oregon Innovative Partnership Program.
- A quarterly report on the status of the closed Columbia River Crossing project.
- A summary of the photo radar reports that the cities authorized to use photo radar submit to the legislature.

### **Passenger Rail On-Time Performance and Ridership Improvements (HB 3401)**

House Bill 3401 directs ODOT to study and make recommendations on options to improve on-time performance of the Amtrak Cascades passenger trains and to increase ridership. The department must report on three specific topics:

- Options to improve the on-time performance of passenger rail.
- Options to optimize ridership on the trains, including developing a proposed schedule for the trains and buses that are used by the passenger rail carriers.
- A plan to increase passenger ridership and ticket revenue, including a marketing strategy and strategies for boosting ridership and tourism using passenger rail.

The department must report on all three study efforts to interim legislative committees on transportation by November 30, 2015.

In addition, the department must report passenger rail ridership and on-time performance to the legislature each quarter.

### **DMV Service Transformation Program (HB 5040 Budget Note)**

The DMV Service Transformation Program (STP) will replace aging hardware and software solutions with a modern business and information platform.

The department must report on the status of the DMV STP to the Joint Committee on Ways and Means during the 2016 Legislative Session.

## Legislation Considered (Not Passed)

This section reviews a few of the 2,799 bills, memorials and resolutions that were introduced during the 2015 session, but were not adopted.

### Clean Diesel Task Force

SB 824 A-Engrossed proposed a 19-member Task Force to Investigate a Clean Diesel Program. The Task Force was charged with exploring and recommending a strategy for implementing a clean diesel program in Oregon. The strategy would have involved both on-road and non-road vehicles.

The Task Force proposal was developed after it was identified that additional work was needed to bring all interested parties together to form feasible next steps.

SB 824A was in committee on adjournment.

### Cost Analysis Required Prior to Constructing Public Improvement Projects with Own Forces

State policy is that contracting agencies shall make every effort to construct public improvements at the least cost to the contracting agency. This policy is generally implemented by competitively bidding public improvement projects.

A component of the transportation funding proposal under HB 2281 included a change to contracting out that would have impacted work completed by ODOT maintenance crews. An amendment with the same proposal was drafted for HB 2282.

Under current law, resurfacing a highway (which includes both paving and applying a chip seal) is only considered a public improvement project if it is applied at a depth of two or more inches and the project's cost exceeds \$125,000. ODOT typically contracts out projects that meet the current definition of a public improvement.

The proposed amendment would have changed the definition so that a project would be considered to be a public improvement if either criteria was met (resurfacing at two or more inches OR the project cost exceeds \$125,000). By changing the definition of a public improvement, many of the chip seal projects performed by ODOT maintenance forces would be subject to the new requirements for a cost analysis required by the amendment. ODOT would have been required to conduct a cost analysis for each of the chip seal projects prior to completing the work, adding to the overall cost and delaying the project resulting in fewer dollars going to maintaining Oregon's highways.



Although the proposal did not become law, ODOT will look at its processes and work with the industry to ensure ODOT's maintenance paving projects are completed within the spirit of the law.

### **Donations for Organ Donor Registry and Public Awareness Fund**

ODOT has assisted Donate Life Northwest (formerly the Oregon Donor Program) in signing up Oregonians as anatomical donors, a successful decades-long partnership. SB 751 proposed to have DMV accept monetary donations on behalf of the Organ Donor Registry and Public Awareness Fund. Donate Life Northwest would use money contributed to the Fund to provide public education and outreach related to organ donation.

SB 751 would have required significant and expensive changes to DMV's systems to support both online donations made during the vehicle registration renewal process and in-office donations as part of driver license and ID card transactions. While the implementation and ongoing operations would have been paid from the donations received, SB 751 would have changed policy by directing DMV to accept donations on behalf of the Fund and the nonprofit.

SB 751 had a public hearing work session but was in committee on adjournment.

### **Family-Friendly Public Contracting**

HB 3061 A-Engrossed would have created a 15-member Task Force on Family-Friendly Public Contracting. The Task Force would have developed a framework within which to give preference to the contractors that provide goods and services to the state and local government and that have family-friendly employment practices. The bill did not define "family-friendly" employment practices but provided guidance for the Task Force's consideration.

HB 3061 was one of several proposed Task Forces to study different aspects of public contracting. HB 3061 and the other task force proposals on public contracting were in committee on adjournment.

### **Increase Interstate Speeds**

SB 459 was one of several bills that would have changed the speed limits on interstate highways. The bill would have increased the maximum speed limit to 70 mph for most vehicles and 60 mph for trucks and buses.

Currently, the speed limit on interstate highways is 65 for most vehicles and 60 mph for trucks, except where lower speed limits have been designated. The department and the Oregon Transportation Commission have authority to designate a 70 mph speed limit for most vehicles (65 mph for trucks) on interstate highway provided that the higher speed is determined to be reasonable or safe under the conditions that the department finds to exist.

While SB 459 was in committee on adjournment and HB 3402 was passed instead, several legislators expressed an interest in seeing the speed limit on I-5 and other interstate highways increased.

### **Jurisdiction Transfer**

“Orphan highways,” district and regional state highways, received a great deal of attention prior to and during the 2015 session. The pattern of state highway, city streets and county road ownership in some cases reflect history rather than what makes sense for today’s needs. There are many miles of ODOT-owned district and regional highways that serve functionally as city streets or county roads. There are a few instances of county roads and city streets that serve as regional or statewide highways.

Under current law, ODOT, cities and counties may transfer control of state highways, city streets and county roads. While appropriate authority exists today, funding the work needed to facilitate transfers has often been a stumbling block.

Three bills were introduced to address various aspects of the jurisdiction transfer issue.

- SB 117 would have created a 12-member Task Force on Jurisdictional Transfers to evaluate and recommend potential transfer of state highways to cities or counties or transfer of county roads or city streets to the state highway program.
- SB 326 would have modified the state modernization program to make projects that facilitated jurisdiction transfers eligible for funding.
- HB 3302 would have allocated about \$27 million per year for 10 years to fund jurisdiction transfer projects. The bill was the 2015 transportation funding proposal made by the Oregon Transportation Forum.

The three bills were in committee on adjournment. However, ODOT, local governments and legislators will continue to look toward a solution to the orphan highway issue.

## Lane Splitting / Filtering

Several bills (SB 172, SB 420 and SB 694) were introduced to allow motorcycles and mopeds to pass vehicles in the same lane or travel between lanes of traffic during traffic slow-downs. This practice is called “lane splitting,” “lane sharing” or “lane filtering.”

Many advocates for motorcyclists expressed concerns that stopping in traffic is dangerous for motorcycles and mopeds because they are vulnerable in rear-end collisions. They argued that lane splitting is safe based on what is done in California and that lane splitting can help relieve traffic congestion.

The department expressed safety concerns about the practice. While lane sharing is practiced in California, it is neither expressly allowed nor prohibited in statute. No state authorizes lane splitting.

All three Senate bills, and a similar bill – HB 2512 that would have allowed motorcycles and mopeds to pass traffic jams and slow downs on the shoulder – were in committee on adjournment.

## Left Lane for Passing

HB 3414 attempted to deal with an aggravation of freeway driving: slower moving vehicles that remain in the left-hand lane on multilane highways. The bill would have created the offense of failure to keep a vehicle in the right lane if the driver remained in the left-hand lane except when passing, preparing to turn left, responding to emergency conditions, avoiding merging traffic, or when directed by a traffic control device.

HB 3414 almost completed the legislative process. The bill failed on the House floor when the House did not concur with Senate amendments to the bill.

## People Moving Plan

HB 2293 A-Engrossed proposed a comprehensive people moving plan as a part of the Oregon Transportation Plan. The people moving plan proposal would have integrated the movement of people across the modes of transportations rather than, it was argued, develop plans around modes of transportation. The people movement plan proposal was introduced as the opening of a discussion to move forward toward a more efficient transportation system.

The people movement plan had a brief public hearing during the session and was in committee on adjournment.

## Right to Rest

SB 629 identified a number of rights to activities in public spaces (to use and move freely, to rest, to eat, to pray, and to occupy a motor vehicle that is legally parked) that could not be denied, restricted or withheld because of a person's housing status. While there were a large number of advocates for SB 629, the bill's provisions raised serious concerns among those who have attempted to address homelessness and who manage public property.

SB 629 was in committee on adjournment.

## Transit Assistance

There were several proposals to provide additional resources for public transportation services across the state.

HB 2236 would have allowed the cities of Canby, Sandy and Wilsonville that levy an employer-paid payroll tax, similar to the payroll tax levied by TriMet and Lane Transit, to participate in the state's in-lieu-of tax program.

HB 2639 and HB 2979 would have provided appropriations to fund pilot programs offering free or reduced fares for students at public high schools. Several Oregon transit systems offered free or reduced cost student passes that were funded by sale of tax credits within the now-discontinued Business Energy Tax Credit (BETC) program.

The proposals all received a public hearing but were in committee on adjournment.

## Transportation Funding

Transportation advocates looked forward to the 2015 Legislative Session optimistically for passage of a significant transportation funding proposal. Counties, cities and ODOT had reviewed their infrastructure needs and identified serious issues in the areas of bridge, maintenance, preservation and safety.

The Oregon Transportation Forum worked through the summer of 2014 to develop a multimodal funding proposal. The proposal would have increased the gas tax and indexed it to compensate for the effects of increasing vehicle fuel economy. The additional resources would have been distributed to the state highway program, county roads and city streets. The proposal also envisioned a \$100 million *ConnectOregon* program, a multimodal needs assessment, and a people moving plan component of the Oregon Transportation Plan.

A bipartisan, bicameral group of legislators began a series of meetings in February 2015 to craft a legislative proposal. However, these meetings stopped abruptly amid legislative disagreements following passage of SB 324, the clean fuel standard.

The legislative discussion reconvened late in the 2015 session to work on a proposal for transportation that also could serve as an alternative to the clean fuel standard. After negotiations, legislators introduced the Oregon Sustainable Transportation Act. The Act would have increased revenue for transportation by about \$200 million a year to make strategic transportation investments across Oregon. It also included a carbon reduction strategy. However, given the bill's complexity and the limited days left for the legislature to complete its work, legislative leaders decided against moving forward with the bill.

DMV's Service Transformation Program (STP) is part of ODOT's 2015-17 budget. The STP budget overlapped the funding discussion somewhat. The Association of Oregon Counties and League of Oregon Cities, while supportive of the goals of the STP, were concerned about the program's impact on State Highway Fund distributions to counties and cities. Counties and cities would see less money in 2016 and 2017 with the STP alone rather than the expected increase in funding with both a transportation funding package and STP. AOC and LOC worked with the department to draft DMV fee increases to serve as an alternative in the event no funding package moved forward.

While the fee increase amendment was drafted, it was not considered by a legislative committee.

### **Transportation Network Companies**

Two bills (HB 2237 and HB 2995) were introduced to set statewide ground rules for companies like Uber and Lyft. While these companies are not taxicab companies, they offer on-demand transportation services similar to taxi service. The bills would have set standards for the insurance coverage that "transportation network companies" must carry on behalf of the drivers who provide the service. HB 2995 which was given the most attention in the legislative process also attempted to draw a distinction between a "transportation network company" and traditional taxi service, dial-a-ride service and bus service.

Both bills were in committee on adjournment. Individual cities must decide whether to allow Uber, Lyft and similar companies to operate within their boundaries and, if they do allow them to operate, how to regulate them.



## Vision Zero

“Vision Zero” is one of the names given the goal to eliminate all road fatalities through road design remediation, education, and enforcement. HB 2736 A-Engrossed would have created a Task Force on Vision Zero. The Task Force proposal was seen as a way of tackling the multi-faceted problems affecting traffic safety. Its purpose would be to make recommendations and inform the next Oregon Transportation Safety Action Plan.

HB 2736A had a work session but was in the Joint Committee on Ways & Means on adjournment.

Work on “Vision Zero” is proceeding nevertheless. ODOT is updating the Transportation Safety Action Plan. The department has a committee comprised of individuals from a wide variety of backgrounds, both public and private, helping to guide the update of the Plan. The committee is working on many of the principles of Vision Zero, and characterizes the effort as “Toward Zero Deaths.”