

# Chapter 184

2017 EDITION

## Administrative Services and Transportation Departments

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**184.001** [Formerly 184.105; 1989 c.908 §17; 1991 c.11 §2; renumbered 285.001 in 1991]

**184.003** [Formerly 184.120; 1975 c.225 §1; 1979 c.182 §4; 1983 c.217 §1; 1985 c.812 §5; repealed by 1987 c.168 §1 (184.004 enacted in lieu of 184.003)]

**184.004** [1987 c.168 §2; 1987 c.918 §6 (enacted in lieu of 184.003); 1989 c.908 §18; renumbered 285.005 in 1991]

**184.005** [1973 c.691 §§2,3; 1975 c.225 §2; 1981 c.545 §2; repealed by 1983 c.197 §1 (184.006 enacted in lieu of 184.005)]

**184.006** [1983 c.197 §2 (enacted in lieu of 184.005); 1985 c.70 §1; renumbered 285.010 in 1991]

**184.007** [1991 c.596 §1; 1993 c.676 §19; renumbered 285A.171 in 1997]

**184.008** [1983 c.197 §4; 1989 c.908 §19; renumbered 285.015 in 1991]

**184.010** [Formerly 184.150; 1969 c.80 §13; 1973 c.691 §4; 1975 c.225 §3; 1979 c.182 §5; 1983 c.197 §6; 1989 c.908 §20; renumbered 285.020 in 1991]

**184.015** [1973 c.691 §22; 1983 c.197 §7; renumbered 285.055 in 1991]

**184.020** [1967 c.397 §14; 1973 c.691 §5; 1975 c.225 §4; repealed by 1975 c.605 §33]

**184.025** [1979 c.182 §3; 1983 c.197 §8; 1985 c.806 §14; 1989 c.908 §21; renumbered 285.025 in 1991]

**184.030** [1967 c.397 §15; 1973 c.691 §6; 1983 c.197 §5; 1985 c.70 §2; 1989 c.908 §22; renumbered 285.030 in 1991]

**184.040** [Formerly 184.195; 1973 c.691 §7; 1983 c.197 §9; renumbered 285.085 in 1991]

**184.050** [Formerly 184.220; 1973 c.691 §8; 1983 c.197 §10; renumbered 285.115 in 1991]

**184.105** [1963 c.580 §17; 1967 c.397 §2; 1969 c.80 §14; 1971 c.57 §2; 1973 c.691 §10; renumbered 184.001]

**184.110** [1957 c.624 §2; repealed by 1963 c.580 §103]

**184.120** [1957 c.624 §1; 1967 c.397 §3; 1969 c.80 §15; 1973 c.691 §1; renumbered 184.003]

**184.125** [1963 c.580 §18; 1967 c.397 §4; 1969 c.80 §16; 1971 c.57 §3; 1973 c.691 §11; 1979 c.182 §6; 1983 c.197 §11; 1985 c.70 §5; 1987 c.168 §20; 1989 c.339 §1; 1989 c.908 §23; 1991 c.95 §1; renumbered 285.035 in 1991]

**184.130** [1957 c.624 §3; repealed by 1963 c.580 §103]

**184.135** [1963 c.580 §19; 1969 c.80 §17; 1971 c.57 §4; 1973 c.691 §12; 1977 c.700 §5; 1983 c.197 §12; 1985 c.70 §4; 1989 c.908 §24; renumbered 285.040 in 1991]

**184.137** [1963 c.580 §20; 1969 c.80 §18; 1971 c.57 §5; 1973 c.691 §13; 1983 c.197 §13; renumbered 285.045 in 1991]

**184.140** [1957 c.624 §4; 1969 c.80 §19; 1971 c.57 §6; repealed by 1973 c.691 §21]

**184.150** [1957 c.624 §5; 1967 c.397 §11; renumbered 184.010]

**184.160** [1957 c.624 §6; 1969 c.80 §20; 1973 c.691 §14; 1979 c.182 §7; 1981 c.316 §1; 1983 c.197 §14; 1985 c.70 §3; 1987 c.562 §8; 1987 c.775 §6; 1989 c.908 §25; 1991 c.149 §1; renumbered 285.050 in 1991]

**184.165** [1975 c.288 §2; renumbered 285.090 in 1991]

**184.170** [1957 c.624 §7; 1969 c.80 §21; 1971 c.57 §7; 1973 c.691 §15; repealed by 1979 c.182 §12]

**184.180** [1957 c.624 §8; 1969 c.80 §22; 1973 c.691 §16; repealed by 1979 c.182 §12]

**184.190** [1957 c.624 §9; 1967 c.397 §5; 1969 c.80 §23; 1971 c.57 §8; 1973 c.691 §17; repealed by 1979 c.182 §12]

**184.195** [1961 c.315 §§1,2,3; 1967 c.397 §12; renumbered 184.040]

**184.196** [1967 c.397 §8; 1969 c.80 §24; repealed by 1973 c.691 §21]

**184.198** [1967 c.397 §9; 1973 c.691 §9; 1975 c.371 §6; 1983 c.197 §15; renumbered 285.110 in 1991]

**184.200** [1957 c.624 §10; 1967 c.397 §6; 1969 c.80 §25; repealed by 1971 c.57 §11]

**184.202** [1989 c.533 §1; renumbered 285.095 in 1991]

**184.210** [1959 c.660 §17; 1969 c.80 §26; 1973 c.691 §18; repealed 1981 c.68 §1]

**184.215** [1981 c.653 §7; renumbered 285.105 in 1991]

**184.220** [1965 c.597 §3; 1967 c.397 §13; renumbered 184.050]

**184.225** [1985 c.778 §1; 1987 c.836 §1; 1989 c.851 §1; 1989 c.1015 §23a; renumbered 285.120 in 1991]

**184.230** [1985 c.778 §2; repealed by 1987 c.836 §3]

**184.235** [1985 c.778 §4; 1989 c.908 §27; renumbered 285.065 (1) in 1991]

**184.240** [1987 c.562 §10; renumbered 285.100 in 1991]

**184.250** [1987 c.162 §3; renumbered 285.060 in 1991]

**184.260** [1961 c.137 §§1,2,3,4,5; 1961 c.716 §1; 1963 c.589 §1; renumbered 273.380]

**184.280** [1987 c.77 §1; renumbered 285.190 in 1991]

**184.285** [1987 c.77 §4; renumbered 285.185 (1) to (4) in 1991]

## OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES

### (Generally)

**184.305 Oregon Department of Administrative Services.** The Oregon Department of Administrative Services is created. The purpose of the Oregon Department of Administrative Services is to improve the efficient and effective use of state resources by providing:

(1) Government infrastructure services that can best be provided centrally, including but not limited to purchasing, risk management, facilities management, surplus property and motor fleet;

(2) Rules and associated performance reviews of agency compliance with statewide policies;

(3) Leadership in implementing a statewide performance measurement program;

(4) State employee workforce development and training;

(5) Personnel systems that promote fair, responsive and cost-effective human resource management;

(6) Objective, credible management information for, and analysis of, statewide issues for policymakers; and

(7) Statewide financial administrative systems. [1969 c.80 §1(1),(2),(3); 1971 c.57 §9; 1993 c.18 §32; 1993 c.500 §2; 2015 c.807 §15a]

**184.310** [1965 c.299 §1; renumbered 390.010]

**184.315 Director of Oregon Department of Administrative Services; confirmation; compensation; bond.** (1) The Oregon Department of Administrative Services shall be under the supervision and control of a director, who shall be responsible for the functions of the department. The Governor may, however, assume the office of

director of the department whenever and for whatever time the Governor deems advisable, but shall receive no increased compensation for doing so.

(2) Subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, the Governor shall appoint the director, who shall hold office at the pleasure of the Governor. The person appointed as director shall be well qualified by training and experience to perform the functions of the office.

(3) An appointed director of the department shall receive such salary as is provided by law or, if not so provided, as is fixed by the Governor.

(4) Before entering upon the functions of office, the director shall give to the state a fidelity bond with one or more corporate sureties authorized to do business in this state in the penal sum fixed by the Governor. [Formerly 291.007; 1973 c.792 §4]

**184.325 Duties of director; administrative divisions; appointive power; exception.** (1) The Director of the Oregon Department of Administrative Services, with the approval of the Governor, shall organize and reorganize the department in the manner the director considers necessary to conduct the work of the department properly.

(2) The functions of the department may be divided into administrative divisions or staff offices. Each division or office shall be under the supervision of a person appointed by the director, with the approval of the Governor. The appointee shall serve at the pleasure of the director, not be subject to the State Personnel Relations Law, and be well qualified by technical training and experience in the functions the appointee is to perform. [Formerly 291.005; 1979 c.468 §27]

**184.335 Deputy director; subordinate officers.** (1) With the approval of the Governor, the director may appoint a deputy director who shall serve at the pleasure of the director, not be subject to the State Personnel Relations Law, and have full authority to act for the director, subject to the control of the director. The appointment of the deputy director shall be by written order, filed with the Secretary of State.

(2) Except as provided in ORS 184.325 and subsection (1) of this section, the director, subject to applicable provisions of the State Personnel Relations Law, shall appoint all subordinate officers and employees of the department, prescribe their functions and fix their compensation. [Formerly 291.009]

**184.340 Rules.** The Oregon Department of Administrative Services, with the approval of the Governor, may:

(1) Adopt reasonable rules and regulations that are necessary or proper for the administration of the laws that the department is charged with administering; and

(2) Adopt by rule uniform policies or procedures applicable to multiple state agencies, boards or commissions. [Formerly 291.013; 2015 c.30 §1]

**184.345 Oregon Department of Administrative Services to provide services to certain agencies on reimbursable basis.** The Oregon Department of Administrative Services may provide on a reimbursable basis administrative and other services, as agreed upon, to a state agency as defined in ORS 291.002. [1969 c.597 §268; 1987 c.320 §143; 1995 c.551 §9; 1999 c.59 §41; 2009 c.595 §164; 2013 c.656 §11; 2016 c.117 §5]

**184.351 Corrections population forecasts.** (1) The Oregon Department of Administrative Services shall issue state corrections population forecasts including, but not limited to, expected populations of prisons and jails and community corrections caseloads, to be used by:

(a) The Department of Corrections in preparing budget requests;

(b) The Oregon Criminal Justice Commission in considering amendments to sentencing guidelines; and

(c) Any other state agency concerned with the effect of offender populations or policy developments on budgeting.

(2) The Oregon Department of Administrative Services shall issue state corrections population forecasts on April 1 and October 1 of each year.

(3) When the Oregon Department of Administrative Services issues a state corrections population forecast, the forecast must, whenever possible:

(a) Identify the forecast's margin of error; and

(b) Attribute growth or decline in the forecast, relative to previously issued forecasts, to specific policies or to specific components of the baseline underlying the forecast.

(4) As used in this section, "baseline underlying the forecast" includes population demographics and crime trends. [1995 c.420 §12; 2013 c.649 §40]

**184.354** [2001 c.716 §4; repealed by 2016 c.117 §75]

**184.355** [1969 c.597 §5; repealed by 1983 c.740 §45]

**184.360 Internal audits in state government; policy; reports; rules.** (1) As used in this section:

(a) "Executive department" has the meaning given that term in ORS 174.112.

(b) “State government” has the meaning given that term in ORS 174.111.

(2) It is the policy of this state that internal audit activities within state government be coordinated to promote effectiveness.

(3) The Oregon Department of Administrative Services shall adopt rules setting standards and policies for internal audit functions within state government. The rules shall include, but are not limited to:

(a) Standards for internal audits that are consistent with and incorporate commonly recognized industry standards and practices; and

(b) Policies and procedures that ensure the integrity of the internal audit process.

(4) Each agency of the executive department required to have an internal audit function shall produce a risk assessment of the entire agency that conforms to audit standards established by nationally recognized entities such as the United States Government Accountability Office or the Institute of Internal Auditors. The agency shall use its risk assessment as the basis for the selection and performance of at least one internal audit per calendar year.

(5) Each agency of the executive department required to have an internal audit function shall audit a component of its governance and risk management processes at least once every five years and file a report with the Oregon Department of Administrative Services.

(6) Not later than December 31 of each calendar year, the Oregon Department of Administrative Services shall prepare a report describing internal audit activities that have occurred in state government during the calendar year in which the report is prepared. The department shall submit the report to the Joint Legislative Audit Committee. In the absence of the Joint Legislative Audit Committee, the department shall submit the report to the Joint Committee on Ways and Means, the Joint Interim Committee on Ways and Means, the Emergency Board or another committee of the Legislative Assembly designated by the President of the Senate and the Speaker of the House of Representatives to receive the report. [2005 c.373 §1; 2009 c.578 §1; 2012 c.107 §6]

**184.365 Authority of Oregon Department of Administrative Services to require fingerprints.** (1) As used in this section, “qualified entity” means an entity of the executive department, as defined in ORS 174.112, that contracts with, or that is a party to an interagency agreement with, the Oregon Department of Administrative Ser-

vices for the purpose of receiving human resource services from the department.

(2) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the department may require the fingerprints of a person who:

(a)(A) Is employed by or applying for employment with the department;

(B) Is employed by or applying for employment with a qualified entity; or

(C) Provides services or seeks to provide services to the department or a qualified entity as a contractor, vendor or volunteer; and

(b) Is, or will be, working or providing services in a position:

(A) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(B) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(C) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

(D) That has mailroom duties as the primary duty or job function of the position;

(E) In which the person has responsibility for auditing the department or other governmental agencies;

(F) That has personnel or human resources functions as one of the position’s primary responsibilities;

(G) In which the person has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information;

(H) In which the person has access to chemicals or hazardous materials, to facilities in which chemicals and hazardous materials are present or to information regarding the transportation of chemical or hazardous materials;

(I) In which the person has access to property to which access is restricted in or-

der to protect the health or safety of the public;

(J) In which the person provides security, design or construction services for government buildings, grounds or facilities; or

(K) In which the person has access to critical infrastructure or security-sensitive facilities or information. [2005 c.730 §9; 2017 c.560 §1]

**184.370 Training program.** (1) As used in this section:

(a) “Executive department” has the meaning given that term in ORS 174.112.

(b) “Small entity” means an agency or department that has a staff of fewer than 50 full-time equivalent employees.

(2) The Oregon Department of Administrative Services shall develop and administer, or shall enter into a contract with a private entity to develop and administer, a training program that provides training and instruction on:

(a) Oregon government ethics laws;

(b) Restrictions on political activity that apply to public officials and public employees;

(c) Oregon public records laws;

(d) Oregon public meetings laws;

(e) Operation and management of boards, commissions and other small entities of the executive department; and

(f) Other topics that the department determines may be beneficial for new members or new administrators or directors of boards, commissions and other small entities of the executive department.

(3) The training program shall be designed to facilitate understanding of and compliance with the requirements of the laws that are the subject of the training.

(4) The training program shall be offered at least four times per year to all new members and new administrators and directors of any board, commission or other small entity of the executive department.

(5) Each new member and new administrator or director of a board, commission or other small entity of the executive department shall attend the training described in this section within six months of the start of the member’s service, or administrator or director’s employment, with a board, commission or other small entity of the executive department. A member, administrator or director who has attended the training once need not attend the training again in the event of a transfer to another board, commission or other small entity of the executive department, if there has been no break in service of longer than 12 months.

(6) The department shall consider whether the training program required under this section should be conducted online. [2015 c.679 §1]

**(Grant Agreements for Baseball Tax Revenues)**

**184.400 Definitions for ORS 184.400 to 184.408; rules.** (1) As used in ORS 184.400 to 184.408:

(a) “Incremental baseball tax revenues” means:

(A) The Oregon personal income tax revenues that are generated from the Oregon personal income tax liabilities shown on the income tax returns filed by the members of a professional athletic team engaged in Major League Baseball, including revenues that are generated from the tax liabilities of spouses of members of a professional athletic team engaged in Major League Baseball if the tax liabilities are reported on a joint return; or

(B) If Oregon personal income tax rates are reduced after the dates of the grant agreements described in ORS 184.404 and the grant agreements provide that payments will be based on rates in effect when the grant agreements are executed, the Oregon personal income tax liabilities, as described in subparagraph (A) of this paragraph, that would have been due if the liabilities were calculated using personal income tax rates in effect on the date of execution of the grant agreements.

(b) “Major league stadium” means a baseball stadium located in the City of Portland that is designed for use by a Major League Baseball team and that has an estimated cost of \$300 million or more.

(c) “Member of a professional athletic team” means an athlete or other individual rendering service to a professional athletic team if the compensation of the athlete or other individual exceeds \$50,000 in a tax year.

(d) “Tax liabilities” means the tax determined under ORS chapter 316 for the tax year less the credits allowed for purposes of ORS chapter 316 for the tax year.

(2) The Department of Revenue may adopt administrative rules that the department determines are necessary to:

(a) Further define the terms defined in this section in a manner consistent with this section;

(b) Implement the duties of the department under ORS 184.400 to 184.408; and

(c) Carry out the purposes of ORS 184.400 to 184.408. [2003 c.808 §1]

**184.402 Findings.** The Legislative Assembly finds and declares that the construction of a major league stadium and the location of a Major League Baseball franchise in Portland will bring jobs and economic development to Oregon and will benefit Oregon workers and businesses. [2003 c.808 §1a]

**184.404 Grant agreements; obligations of state.** (1) The Director of the Oregon Department of Administrative Services, with the approval of the State Treasurer, may enter into one or more agreements on behalf of the State of Oregon to grant the incremental baseball tax revenues for a period of not more than 30 years. The grant agreements must:

(a) Provide that the granted amounts may be used only to pay for the costs of financing, developing, constructing and furnishing a major league stadium;

(b) Provide that:

(A) The total payments to the grantees are limited so that the grantees do not receive, in the aggregate, more than \$150 million for costs of developing, constructing and furnishing a major league stadium, plus the actual, reasonable financing costs incurred by the grantees for that amount; and

(B) If the incremental baseball tax revenues in a year substantially exceed the amount reasonably required to amortize a loan of \$150 million over a period of 30 years with interest, the excess may be retained by the state;

(c) Terminate when:

(A) The State of Oregon has made all payments assigned to the state in the grant agreements for the costs allowed under this subsection; and

(B) The grantees have returned any amounts required to be returned under paragraph (i) of this subsection;

(d) Require the Director of the Department of Revenue to estimate incremental baseball tax revenues, specify the methodology for estimating incremental baseball tax revenues and notify the Director of the Oregon Department of Administrative Services of the estimated incremental baseball tax revenues;

(e) Specify the methodology for determining actual incremental baseball tax revenues;

(f) Require the Director of the Oregon Department of Administrative Services to request that the Legislative Assembly appropriate an amount equal to the estimated incremental baseball tax revenues from the General Fund to the Major League Stadium Grant Fund established in ORS 184.408 so that those moneys may be disbursed under

the grant agreements authorized by this section;

(g) Require the Director of the Department of Revenue to determine the actual incremental baseball tax revenues and, if the actual incremental baseball tax revenues exceed the estimated incremental baseball tax revenues, notify the Director of the Oregon Department of Administrative Services of the excess;

(h) Require the Director of the Oregon Department of Administrative Services, if notified of an excess under paragraph (g) of this subsection, to request that the Legislative Assembly appropriate an amount equal to the excess, adjusted for the limits and retentions described in paragraph (b) of this subsection, from the General Fund to the Major League Stadium Grant Fund so that those moneys may be disbursed under the grant agreements authorized by this section;

(i) Require the grantees to return to the Director of the Oregon Department of Administrative Services for deposit in the General Fund amounts transferred to the grantees from the Major League Stadium Grant Fund that exceed the actual incremental baseball tax revenues;

(j) Provide that the amounts requested for appropriations may not be reduced because of any reduction that may be enacted in Oregon personal income tax rates;

(k) Require the Director of the Oregon Department of Administrative Services to disburse amounts in the Major League Stadium Grant Fund to the grantees on particular dates;

(L) Provide assurances of full and fair participation in the construction, furnishing and operation of the major league stadium by minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own and emerging small businesses;

(m) Provide for the maximization of economic benefits for Oregon workers in the construction, furnishing and operation of the major league stadium to the greatest extent permitted by law; and

(n) Require the State of Oregon and the grantees to take any other action that the State Treasurer, the Director of the Oregon Department of Administrative Services or the Director of the Department of Revenue determines is desirable to ensure that:

(A) The granted funds are used for the purposes described in ORS 184.400 to 184.408;

(B) The grant agreements are administered efficiently and the interests of the State of Oregon are protected; and

(C) The requests for appropriation of amounts equal to the incremental baseball

tax revenues are made as described in ORS 184.400 to 184.408.

(2) The obligation of the State of Oregon, under ORS 184.400 to 184.408 and the grant agreements authorized by this section, to transfer estimated or actual incremental baseball tax revenues to the Major League Stadium Grant Fund is subject to an appropriation being made for that purpose by the Legislative Assembly. The State of Oregon is not liable to any party for any reason if the Legislative Assembly fails to appropriate all or a portion of the amounts requested under subsection (1)(f) and (h) of this section to the Major League Stadium Grant Fund. However, if the Legislative Assembly does appropriate amounts for deposit in the Major League Stadium Grant Fund and those amounts are deposited in the Major League Stadium Grant Fund pursuant to the grant agreements authorized by this section, the obligation of the State of Oregon to disburse the amounts in the Major League Stadium Grant Fund is unconditional. The grant agreements authorized by this section are not a pledge of the full faith and credit or the taxing power of the State of Oregon, and the State of Oregon does not pledge its full faith and credit or taxing power. The grant agreements do not create an indebtedness of the State of Oregon in violation of Article XI, section 7, of the Oregon Constitution. If a provision of a grant agreement is construed to have the effect of creating a debt in violation of Article XI, section 7, of the Oregon Constitution, the provision is void.

(3) The Legislative Assembly does not have a legal obligation to appropriate any amounts for disbursement under the grant agreements authorized by this section. However, the Legislative Assembly declares its current intention to appropriate amounts equal to the estimated incremental baseball tax revenues and amounts equal to the amount by which the actual incremental baseball tax revenues exceed the estimated incremental baseball tax revenues from the General Fund to the Major League Stadium Grant Fund, as provided in ORS 184.400 to 184.408, so that the amounts may be disbursed pursuant to the grant agreements authorized by this section.

(4) Before commencing negotiations on a grant agreement authorized by this section, the Oregon Department of Administrative Services shall obtain one or more agreements from benefited parties to pay the state's costs associated with negotiating and executing the grant agreement. [2003 c.808 §2; 2015 c.565 §11]

**184.405** [1989 c.1067 §1; 1993 c.319 §8; renumbered 181.750 in 1993]

**184.406 Prerequisites of grant agreement.** The Director of the Oregon Department of Administrative Services may not execute a grant agreement authorized by ORS 184.404 until the director has determined that:

(1) The City of Portland has made a written request to the director to execute and deliver the grant agreement;

(2) A Major League Baseball franchise has agreed to locate and be based in Portland and has entered into a legally binding commitment to remain in Portland for at least the term of the grant agreement;

(3) All funding to build the major league stadium that is not based on the grant agreement has been committed;

(4) No grantee is both a public body and a guarantor for the repayment of bonds or other indebtedness that is to be repaid through use of grant moneys; and

(5) The Oregon Department of Administrative Services has prepared and submitted to the Legislative Assembly a written report regarding the estimated and actual incremental baseball tax revenues relating to the following provisions of the proposed grant agreement:

(a) The methodology for estimating the incremental baseball tax revenues;

(b) The methodology for determining the actual incremental baseball tax revenues; and

(c) The requirement that estimated and actual incremental baseball tax revenues be based on the Oregon personal income tax rates in effect when the grant agreement is executed or for the period for which the taxes are collected, whichever is greater, even if those rates are subsequently reduced. [2003 c.808 §3; 2017 c.532 §2]

**184.407** [1989 c.1067 §2; 1993 c.319 §9; renumbered 181.755 in 1993]

**184.408 Major League Stadium Grant Fund.** The Major League Stadium Grant Fund is established in the State Treasury, separate and distinct from the General Fund. Amounts in the fund are continuously appropriated to the Oregon Department of Administrative Services for the purpose of making the grants required by the grant agreements entered into under ORS 184.404 and paying the costs and expenses of the State Treasurer, the Oregon Department of Administrative Services and the Department of Revenue in connection with the implementation and administration of ORS 184.400 to 184.408 and 316.213 to 316.219. Interest earned by the Major League Stadium Grant Fund must be credited to the fund. [2003 c.808 §4]



**184.409** [1989 c.1067 §3; 1993 c.319 §10; renumbered 181.760 in 1993]

**184.410** [Formerly 182.410; 1965 c.416 §1; 1969 c.593 §33; repealed by 1969 c.653 §1]

**184.411** [1989 c.1067 §4; 1993 c.319 §11; renumbered 181.765 in 1993]

**184.413** [1989 c.981 §1; 1995 c.744 §19; renumbered 181.495 in 1995]

**184.415** [1989 c.981 §2; 1995 c.744 §20; renumbered 181.496 in 1995]

**184.417** [1989 c.981 §3; 1995 c.744 §21; renumbered 181.497 in 1995]

**184.420** [Formerly 182.420; repealed by 1969 c.653 §1]

### (Sustainability)

**184.421 “Sustainability” defined.** For purposes of this section and ORS 184.423, “sustainability” means using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives. [2001 c.918 §1; 2001 c.918 §16]

**184.423 Findings and goals regarding sustainability.** The Legislative Assembly finds and declares the following goals for the State of Oregon regarding sustainability:

(1) In conducting internal operations, state agencies shall, in cooperation with the Oregon Department of Administrative Services, seek to achieve the following objectives:

(a) State purchases should be made so as to serve the broad, long term financial interests of Oregonians, including ensuring that environmental, economic and societal improvements are made so as to enhance environmental, economic and societal well-being.

(b) Investments in facilities, equipment and durable goods should reflect the highest feasible efficiency and lowest life cycle costs.

(c) Investments and expenditures should help promote improvements in the efficient use of energy, water and resources.

(d) State operations should be located in diverse locations, including rural and distressed communities.

(e) State operations and purchases should help maintain vital and active downtown and main street communities.

(f) State purchases should help support opportunities for economically distressed communities and historically underemployed people.

(g) State operations should reflect partnerships with communities and businesses.

(h) State operations should help reduce adverse impacts on native habitats and species and help restore ecological processes.

(i) State operations should be conducted in ways that significantly increase the efficient use of energy, water and resources.

(j) State operations and purchases should reflect the efficient use and reuse of resources and reduction of contaminants released into the environment.

(2) In supporting sustainable communities, state agencies shall seek to enable and encourage local communities to achieve the following objectives:

(a) Resilient local economies that provide a diversity of economic opportunities for all citizens.

(b) Workers supported by lifelong education to ensure a globally competitive workforce.

(c) An independent and productive citizenry.

(d) Youth supported by strong families and communities.

(e) Downtowns and main street communities that are active and vital.

(f) Development that wisely and efficiently uses infrastructure investments and natural resources.

(g) Affordable housing available for citizens in community centers.

(h) Healthy urban and rural watersheds, including habitats for fish and wildlife.

(i) Clean and sufficient water for all uses.

(j) Efficient use and reuse of resources and minimization of harmful emissions to the environment.

(3) Intensification of efforts to increase the economic stability of communities designated as economically distressed. [2001 c.918 §4]

### (Sustainability Board)

**184.425 Definitions for ORS 184.425 to 184.435.** For purposes of ORS 184.425 to 184.435:

(1) “Board” means the Sustainability Board established pursuant to ORS 184.427.

(2) “Sustainability” has the meaning given that term in ORS 184.421. [2007 c.875 §1]

**184.427 Sustainability Board; members; terms; qualifications; confirmation.**

(1) There is created within the Oregon Department of Administrative Services a Sustainability Board consisting of the Governor or the Governor’s representative and 10 additional members appointed by the Governor. In appointing members, the Governor shall seek to appoint persons from all geographic regions of the state and from all communities who have a demonstrated ability to work in a cooperative and collaborative manner with

people of diverse interests. The Governor shall also seek to appoint members from the following fields who have experience in matters pertinent to the effective operation of the board:

- (a) Business;
- (b) Small business;
- (c) Natural resources, community health or economics;
- (d) Sustainability; and
- (e) Conservation of natural resources.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on the January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The members of the board must be residents of this state. Failure of a member to maintain compliance with the eligibility requirements related to the member's appointment shall result in disqualification from serving on the board.

(4) The appointment of a member of the board is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(5) All agencies, departments and officers of this state are directed to assist the board in the performance of its functions and to furnish such information and advice as the members of the board consider necessary to perform their functions. [2007 c.875 §2]

**184.429 Powers and duties of board.** (1) In addition to any other duties or powers provided by law, the Sustainability Board:

(a) Shall identify, evaluate, make recommendations and propose legislation, regulatory changes or policy modifications to agencies, the Governor, the Legislative Assembly, private entities or other bodies for the purpose of encouraging activities that best sustain, protect and enhance the quality of the environment, economy and community for the present and future benefit of Oregonians.

(b) Shall develop and promote policies and programs that will assist in the meeting of sustainability goals specified in ORS 184.423.

(c) Shall submit a biennial report to the Legislative Assembly by March 31 of each odd-numbered year on the board's activities and recommendations.

(d) May apply for and accept, from whatever source, appropriations, gifts or grants

of money or other property. The board shall deposit moneys received under this paragraph into the State Treasury to the credit of the Sustainability Board Fund established under ORS 184.435.

(e) Shall consult with and seek comment from trade associations, organizations, businesses and other groups and individuals representing pertinent interests as part of developing recommendations.

(f) Shall develop and promote proposals that jointly and mutually enhance local economies, the environment and community health for the present and future benefit of Oregonians.

(2) Nothing in this section is meant to discourage or prohibit any person, group or committee from discussing or proposing mechanisms, including the modification of tax policies, to promote sustainability. [2007 c.875 §3]

**184.430** [Formerly 182.430; 1965 c.416 §2; repealed by 1969 c.653 §1]

**184.431 Chairperson and vice chairperson; quorum; meetings.** (1) The Governor, or a member of the Sustainability Board designated by the Governor, shall serve as the chairperson of the board. The board shall select one of its members as vice chairperson. The board shall determine the terms, duties and powers necessary for the performance of the functions of such offices.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once every three months at a place, day and hour determined by the board. The board also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the board. [2007 c.875 §5]

**184.433 Rules.** In accordance with applicable provisions of ORS chapter 183, the Sustainability Board may adopt rules necessary for governing its operations and procedures. [2007 c.875 §6]

**184.435 Sustainability Board Fund.** (1) The Sustainability Board Fund is established in the State Treasury, separate and distinct from the General Fund.

(2) All moneys received by the Sustainability Board under ORS 184.429 shall be deposited into the Sustainability Board Fund. Such moneys are continuously appropriated to the Sustainability Board for the purposes of administering ORS 184.425 to 184.435. [2007 c.875 §7]

**184.440** [Formerly 182.440; repealed by 1969 c.653 §1]

**184.450** [Formerly 182.450; repealed by 1969 c.653 §1]

**184.460** [1957 c.664 §1; 1959 c.465 §1; renumbered 542.710]

**184.470** [1957 c.664 §2; 1959 c.465 §2; renumbered 542.720]

**184.473** [2001 c.936 §1; 2003 c.449 §26; 2015 c.807 §§16,16a; renumbered 276A.230 in 2017]

**184.475** [2001 c.936 §2; 2011 c.637 §65; 2015 c.807 §17; renumbered 276A.233 in 2017]

**184.477** [2001 c.936 §3; 2011 c.637 §66; 2014 c.102 §2; 2015 c.807 §18; renumbered 276A.236 in 2017]

**184.480** [2009 c.838 §1; 2011 c.368 §1; renumbered 276A.250 in 2017]

**184.483** [2009 c.838 §2; 2011 c.368 §2; 2011 c.705 §20; 2013 c.357 §1; 2013 c.645 §3; 2015 c.807 §§19,19a; 2017 c.667 §1; renumbered 276A.253 in 2017]

**184.484** [2011 c.199 §1; 2012 c.45 §24; 2013 c.645 §2; 2015 c.456 §2; 2015 c.807 §20; 2015 c.827 §4; 2016 c.112 §8; renumbered 276A.256 in 2017]

**184.486** [2009 c.838 §3; 2011 c.272 §19; 2013 c.722 §27; 2015 c.807 §21; renumbered 276A.259 in 2017]

**184.488** [2009 c.838 §4; renumbered 276A.262 in 2017]

### (CASA Volunteer Program)

**184.489 Definitions.** As used in ORS 184.489 to 184.498 and 419B.112:

(1) “CASA Volunteer Program” means a program that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Department of Administrative Services under ORS 184.492 to recruit, train and supervise volunteers to serve as court appointed special advocates.

(2) “Court appointed special advocate” means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to ORS 419B.112. [2017 c.630 §2]

**184.492 Duties.** (1) The Oregon Department of Administrative Services shall:

(a) Contract with all CASA Volunteer Programs in this state to recruit, train and supervise court appointed special advocates. The department may delegate authority to contract under this paragraph to the statewide coordinating entity contracted with under paragraph (b) of this subsection.

(b) Contract with a nongovernmental entity to serve as the statewide coordinating entity for the provision of court appointed special advocate services throughout this state. The nongovernmental entity must be a member of the National CASA Association and have a board or other membership structure that contains directors from the CASA Volunteer Programs in this state. At a minimum, the contract must include authority for the statewide coordinating entity to:

(A) Contract with CASA Volunteer Programs;

(B) Disburse and expend moneys in the Court Appointed Special Advocate Fund established in ORS 184.498 to CASA Volunteer Programs in this state; and

(C) Execute the standards described in paragraph (c) of this subsection.

(c) Oversee and monitor CASA Volunteer Program standards, with assistance from the statewide coordinating entity contracted with by the department under paragraph (b) of this subsection, to recruit, train and supervise court appointed special advocates.

(d) Disburse and expend moneys in the Court Appointed Special Advocate Fund established under ORS 184.498 for the purposes set forth in this section and ORS 419B.112. The department may disburse and expend moneys from the fund to the statewide coordinating entity contracted with pursuant to paragraph (b) of this subsection for the purposes set forth in this section and ORS 419B.112.

(e) With the assistance of the statewide coordinating entity contracted with pursuant to paragraph (b) of this subsection, oversee the provision of court appointed special advocate services throughout this state in a uniform, consistent and cost-efficient manner by ensuring that CASA Volunteer Programs:

(A) Adopt policies, procedures, standards and guidelines regarding the provision of court appointed special advocate services as directed by the department; and

(B) Develop and provide training and education for court appointed special advocates and employees and other volunteers in CASA Volunteer Programs as directed by the department.

(f) Identify statewide outcome or performance measures for CASA Volunteer Programs.

(g) Collect, evaluate and summarize data regarding CASA Volunteer Programs and court appointed special advocate services in this state.

(h) Adopt rules for carrying out the department’s responsibilities, duties and functions under this section and ORS 419B.112.

(2) The department may:

(a) Delegate to a statewide coordinating entity contracted with under subsection (1)(b) of this section the responsibility to:

(A) Create, supervise and operate CASA Volunteer Programs throughout this state; and

(B) Develop and provide training for court appointed special advocates and employees and volunteers of CASA Volunteer Programs.

(b) Consult with public agencies or private nonprofit organizations for the purpose of developing:

(A) An allocation formula for the disbursement of moneys to CASA Volunteer Programs in this state; and

(B) Policies, procedures, standards and guidelines regarding the provision of court appointed special advocate services in this state.

(c) Apply for and receive funds from state, federal and private sources for CASA Volunteer Programs and the provision of court appointed special advocate services in this state.

(3) The statewide coordinating entity with which the department has contracted under subsection (1)(b) of this section, or to which the department has delegated responsibilities under subsection (2)(a) of this section, shall provide biannual reports to the department regarding:

(a) The fulfillment of responsibilities that have been contracted for or delegated; and

(b) When applicable to responsibilities contracted for or delegated, the achievement of the objectives in subsection (1)(d) to (g) of this section.

(4) The department shall report annually to committees of the Legislative Assembly related to the provision of court appointed special advocate services regarding the disbursement of moneys in the Court Appointed Special Advocate Fund established under ORS 184.498. The report must summarize the extent to which the statewide outcome or performance measures identified by the department under this section are being met and include an analysis of the effectiveness of court appointed special advocate services provided in this state. [2017 c.630 §3]

**184.495 Report.** Each CASA Volunteer Program shall report biannually to committees of the Legislative Assembly related to the provision of court appointed special advocate services. The statewide coordinating entity contracted with by the Oregon Department of Administrative Services under ORS 184.492 may present the biannual reports required under this section on behalf of the CASA Volunteer Programs in this state. The report must include each program's status with respect to the statewide outcome or performance measures identified by the department under ORS 184.492. [2017 c.630 §4]

**184.498 Court Appointed Special Advocate Fund.** (1) The Court Appointed Special Advocate Fund is established within the State Treasury, separate and distinct from

the General Fund. Interest earned by the Court Appointed Special Advocate Fund shall be credited to the fund.

(2) Moneys in the fund shall consist of:

(a) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(b) Amounts received from state, federal and private sources;

(c) Amounts donated to the fund; and

(d) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Oregon Department of Administrative Services for the purpose of carrying out the provisions of ORS 184.492 and 419B.112.

(4) The department may use moneys in the fund to pay the department's administrative costs associated with the fund and with carrying out the provisions of ORS 184.492 and 419B.112. [2017 c.630 §5]

**184.510** [1963 c.580 §1; repealed by 1987 c.414 §172]

**184.520** [1963 c.580 §2; 1971 c.57 §10; 1971 c.505 §8; 1971 c.753 §3; 1975 c.429 §1; 1981 c.320 §1; 1985 c.762 §1; repealed by 1987 c.414 §172]

**184.530** [1963 c.580 §3; 1969 c.695 §3; 1985 c.565 §21; repealed by 1987 c.414 §172]

**184.540** [1963 c.580 §5; 1965 c.597 §5; repealed by 1987 c.414 §172]

**184.545** [1971 c.753 §7; repealed by 1987 c.414 §172]

**184.550** [1963 c.580 §6; repealed by 1987 c.414 §172]

**184.560** [1963 c.580 §4; repealed by 1987 c.414 §172]

**184.565** [1985 c.383 §7; repealed by 1987 c.414 §173]

**184.570** [1963 c.580 §7; 1965 c.597 §6; repealed by 1987 c.414 §173]

**184.575** [1971 c.753 §1; renumbered 670.275]

**184.577** [1985 c.383 §9; repealed by 1987 c.414 §172]

**184.580** [1971 c.753 §6; 1973 c.387 §26; repealed by 1975 c.429 §2]

**184.590** [1971 c.753 §4; repealed 1981 c.320 §5]

**184.595** [1971 c.753 §5; 1973 c.832 §1; repealed 1981 c.320 §5]

## DEPARTMENT OF TRANSPORTATION (Generally)

**184.610 Definitions for ORS 184.610 to 184.665.** As used in ORS 184.610 to 184.665, unless the context requires otherwise:

(1) "Commission" means the Oregon Transportation Commission.

(2) "Department" means the Department of Transportation.

(3) "Director" means the Director of Transportation.

(4) "STIP" means the Statewide Transportation Improvement Program, which is a list of transportation projects that:

(a) Are to be implemented within four years following adoption or modification of the list;

(b) Are consistent with the long-range transportation plan developed pursuant to ORS 184.617; and

(c) Can be implemented with resources reasonably expected to be available. [1969 c.599 §1; 1973 c.249 §1; 1999 c.939 §2; 2015 c.138 §6; 2017 c.750 §1]

**184.611 Freight mobility projects; priority.** (1) As used in this section, “freight mobility project” means a project that supports the safe, reliable and efficient movement of goods between and among local, national and international markets.

(2) The Legislative Assembly finds that investment in freight mobility projects will yield a return on the state’s investment in terms of improved economic opportunity and safety.

(3) In developing the STIP, the Department of Transportation shall give priority to freight mobility projects that:

(a) Are located on identified freight routes of statewide or regional significance;

(b) Remove identified barriers to the safe, reliable and efficient movement of goods; and

(c) Facilitate public and private investment that creates or sustains jobs. [2003 c.618 §37]

**184.612 Oregon Transportation Commission; confirmation; qualifications; term; compensation and expenses.** (1) There is established the Oregon Transportation Commission consisting of five members appointed by the Governor, subject to confirmation by the Senate pursuant to section 4, Article III, Oregon Constitution. A member serves at the pleasure of the Governor.

(2) The Governor shall appoint members of the commission in compliance with all of the following:

(a) Members shall be appointed with consideration of the different geographic regions of the state with one member being a resident of the area east of the Cascade Range.

(b) Not more than three members who belong to one political party. Party affiliation shall be determined by the appropriate entry on official election registration cards.

(3) At the time of appointment, a member may not have any direct or indirect financial or fiduciary interest related to the commission’s duties. If a conflict arises after a member’s appointment, the member shall declare the conflict and abstain from deliberations and voting on the matter under consideration by the commission.

(4) The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.

(5) The Governor shall appoint one of the members as chairperson. The chairperson shall appoint one of the other members as vice chairperson. The chairperson and vice chairperson shall have such terms, duties and powers as the Oregon Transportation Commission determines are necessary for the performance of such offices.

(6) A majority of the members of the commission constitutes a quorum. If a quorum is present at a meeting, the commission may take action by an affirmative vote by a majority of the members who are present. An individual member may not exercise individually any administrative authority with respect to the Department of Transportation.

(7) The commission shall meet at least quarterly, at a time and place determined by the commission. The commission shall also meet at such other times and places as are specified by the call of the chairperson or of a majority of the commission.

(8) A vacancy does not impair the right of the remaining members to exercise all the powers of the commission, except that three members of the commission must agree in the selection, vacation or abandonment of state highways, and in case the members are unable to agree the Governor shall have the right to vote as a member of the commission.

(9) The commission shall keep complete and accurate records of all the meetings, transactions and business of the commission at the office of the department.

(10) The commission may provide an official seal.

(11) The commission may hire staff the commission deems necessary to assist the commission in carrying out its duties. The staff shall be considered employees of the department for purposes of the State Personnel Relations Law under ORS chapter 240.

(12) A member of the commission is entitled to compensation and expenses as provided by ORS 292.495. [1973 c.249 §3; 1981 c.545 §3; 1983 c.428 §1; 2017 c.750 §2]

**184.613** [1973 c.249 §§4,9; 1979 c.293 §1; repealed by 2017 c.750 §140]

**184.614 Authority to enter into agreements.** (1) The Oregon Transportation Commission may:

(a) Enter into any written agreement or any configuration of written agreements re-

lating to any duty, function or service of the commission or the Department of Transportation, relating to transportation projects or transportation research with any private entity or unit of government or any configuration of private entities and units of government, as those terms are defined in ORS 367.802. The subject of agreements entered into under this section may include, but need not be limited to, planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing and operation of transportation projects or transportation research.

(b) Include in any agreement entered into under this section any financing mechanisms, including but not limited to the imposition and collection of user fees and the development or use of other revenue sources.

(2) The agreements among the public and private sector partners entered into under this section must specify at least the following:

(a) At what point in the transportation project or transportation research the public and private sector partners will enter the project or research and which partners will assume responsibility for specific project or research elements;

(b) How the partners will share management of the risks of the project or research;

(c) How the partners will share the costs of development of the project or research;

(d) How the partners will allocate financial responsibility for cost overruns;

(e) The penalties for nonperformance;

(f) The incentives for performance; and

(g) The accounting and auditing standards to be used to evaluate work on the project or research. [2017 c.750 §8]

**184.615 Department of Transportation; duties.** (1) The Department of Transportation is established.

(2) The department shall perform the following duties:

(a) Carry out policies adopted by the Oregon Transportation Commission and all duties and responsibilities vested in it by law including, but not necessarily limited to, duties and responsibilities concerning drivers and motor vehicles, highways, motor carriers, public transit, rail and transportation safety.

(b) Provide strategic planning for statewide transportation systems to meet the transportation challenges to be faced by Oregon at least 20 years into the future.

(c) Promote coordination between different modes of transportation.

(d) Promote coordination of major transportation projects, as determined by the commission, between the state, cities and counties.

(e) Integrate governmental functions to reduce the costs incurred by this state in transportation matters.

(f) Obtain the greatest benefit from state, local and federal transportation expenditures.

(g) Maximize the state's prospects to obtain federal funds by responding to federal mandates for multimodal transportation planning.

(h) To the extent practicable, ensure that the state's transportation infrastructure is resilient in the event of a natural disaster.

(3) The department shall be the recipient of all federal funds paid to or to be paid to the state to enable the state to provide the programs and services assigned to the department, except that the Oregon Department of Aviation shall be the recipient of all federal funds paid to or to be paid to the state to enable the state to provide aviation programs and services. [1969 c.599 §2; 1973 c.249 §15; 1975 c.371 §5; 1979 c.186 §4; subsection (4) enacted as 1981 c.700 §2; 1983 c.324 §13; 1987 c.414 §88; 1989 c.904 §28; 1991 c.453 §1; 1993 c.741 §3; 1999 c.935 §15; 2003 c.27 §1; 2005 c.70 §1; 2007 c.768 §64; 2017 c.750 §19]

**184.616** [1979 c.186 §§2,3; 2003 c.14 §87; repealed by 2017 c.750 §140]

**184.617 Functions of commission.** (1) The Oregon Transportation Commission shall:

(a) Establish the policies for the operation of the Department of Transportation in a manner consistent with the policies and purposes of ORS 184.610 to 184.665.

(b) Develop and maintain state transportation policies, including but not limited to policies related to the management, construction and maintenance of highways and other transportation systems in Oregon, including but not limited to aviation, ports and rail.

(c) Develop and maintain a comprehensive, 20-year long-range plan for a safe, multimodal transportation system for the state which encompasses economic efficiency, orderly economic development and environmental quality. The comprehensive, long-range plan:

(A) Must include, but not be limited to, aviation, highways, mass transit, ports, rails and waterways; and

(B) Must be used by all agencies and officers to guide and coordinate transportation activities and to ensure transportation planning utilizes the potential of all existing and developing modes of transportation.

(d) In coordination with the State Marine Board, the Oregon Business Development Department, the State Aviation Board, cities, counties, mass transit districts organized under ORS 267.010 to 267.390 and transportation districts organized under ORS 267.510 to 267.650, develop plans for each mode of transportation and multimodal plans for the movement of people and freight. Subject to paragraph (c) of this subsection, the plans must include a list of projects needed to maintain and develop the transportation infrastructure of this state for at least 20 years in the future.

(e) For the plans developed under paragraph (d) of this subsection, include a list of projects for at least 20 years into the future that are capable of being accomplished using the resources reasonably expected to be available. As the plans are developed by the commission, the Director of Transportation shall prepare and submit implementation programs to the commission for approval. Work approved by the commission to carry out the plans shall be assigned to the appropriate unit of the Department of Transportation or other appropriate public body, as defined in ORS 174.109.

(f) Initiate studies, as it deems necessary, to guide the director concerning the transportation needs of Oregon.

(g) Prescribe the administrative practices followed by the director in the performance of any duty imposed on the director by law.

(h) Seek to enter into intergovernmental agreements with local governments and local service districts, as those terms are defined in ORS 174.116, to encourage cooperation between the department and local governments and local service districts to maximize the efficiency of transportation systems in Oregon.

(i) Review and approve the department's:

(A) Proposed transportation projects, as described in the Statewide Transportation Improvement Program, and any significant transportation project modifications, as determined by the commission;

(B) Proposed budget form prior to the department submitting the form to the Oregon Department of Administrative Services under ORS 291.208;

(C) Anticipated capital construction requirements;

(D) Construction priorities; and

(E) Selection, vacation or abandonment of state highways.

(j) Adopt a statewide transportation strategy on greenhouse gas emissions to aid in achieving the greenhouse gas emissions reduction goals set forth in ORS 468A.205.

The commission shall focus on reducing greenhouse gas emissions resulting from transportation. In developing the strategy, the commission shall consider state and federal programs, policies and incentives related to reducing greenhouse gas emissions. The commission shall consult and cooperate with metropolitan planning organizations, other state agencies, local governments and stakeholders and shall actively solicit public review and comment in the development of the strategy.

(k) Perform any other duty vested in it by law.

(2) The commission has general power to take any action necessary to coordinate and administer programs relating to highways, motor carriers, motor vehicles, public transit, rail, transportation safety and such other programs related to transportation.

(3) The commission may require the director to furnish whatever reports, statistics, information or assistance the commission may request in order to study the department or transportation-related issues. [1973 c.249 §10; 1979 c.186 §5; 1989 c.904 §50; 1993 c.741 §6; 1999 c.935 §16; 2003 c.27 §2; 2017 c.750 §6]

**184.618** [1973 c.249 §12; 1983 c.362 §1; 1983 c.553 §1; 1993 c.741 §7; 1999 c.969 §3; repealed by 2017 c.750 §140]

#### **184.619 Rulemaking authority; orders.**

In accordance with the applicable provisions of ORS chapter 183, the Oregon Transportation Commission:

(1) Shall adopt any rules and orders as it considers necessary and proper in performing the functions vested by law in the commission.

(2) Notwithstanding any other provisions of law, the commission has the power to adopt any rules, establish any policy or exercise any other duty, function or power if a statute gives such power to the Department of Transportation. [1973 c.249 §11; 1981 c.418 §1; 2017 c.750 §5]

**184.620 Director of Transportation; confirmation; subordinates.** (1) The Department of Transportation shall be under the supervision of a Director of Transportation. The Oregon Transportation Commission shall appoint the director, after consultation with the Governor. The director serves at the pleasure of the commission.

(2) The appointment of the director shall be subject to confirmation by the Senate in the manner provided by ORS 171.562 and 171.565.

(3) The director may appoint:

(a) Deputy directors with full authority to act for the director, but subject to the director's control. The appointment of a deputy director shall be by written order filed with the Secretary of State. A deputy direc-

tor shall be in the unclassified services for purposes of the State Personnel Relations Law.

(b) All subordinate officers and employees of the department and may prescribe their duties, assignments and reassignments and fix their compensation, subject to any applicable provisions of the State Personnel Relations Law.

(4) Subject to the approval of the commission, the director may organize and reorganize the department as the director considers necessary to properly conduct the work of the department. As directed by the chairperson of the commission, the director shall assign employees of the department to staff the commission.

(5) When service of summons or other process is required by statute to be served on the Director of Transportation, the Department of Transportation or the Oregon Transportation Commission, such service shall be made upon the office of the director. [1969 c.599 §3; 1969 c.599 §3a; 1973 c.249 §16; 1979 c.186 §6; 1999 c.686 §1; 2005 c.70 §2; 2017 c.750 §20]

**184.621 Commission; selection of projects for Statewide Transportation Improvement Program.** The Oregon Transportation Commission shall work with stakeholders to review and update the criteria used to select projects within the Statewide Transportation Improvement Program. When revising the project selection criteria the commission shall consider whether the project:

(1) Improves the state highway system or major access routes to the state highway system on the local road system to relieve congestion by expanding capacity, enhancing operations or otherwise improving travel times within high-congestion corridors.

(2) Enhances the safety of the traveling public by decreasing traffic crash rates, promoting the efficient movement of people and goods and preserving the public investment in the transportation system.

(3) Supports improvements necessary for Oregon's economic growth and competitiveness, accessibility to industries and economic development.

(4) Provides the greatest benefit in relation to project costs as analyzed under ORS 184.659.

(5) Fosters livable communities by demonstrating that the investment does not undermine sustainable urban development.

(6) Enhances the value of transportation projects through designs and development that reflect environmental stewardship and community sensitivity.

(7) Is consistent with the state's greenhouse gas emissions reduction goals and reduces Oregon's dependence on foreign oil.

(8) To the extent practicable, ensures that the state's transportation infrastructure is resilient in the event of a natural disaster.

(9) Is located near operations conducted for mining aggregate or processing aggregate as described in ORS 215.213 (2)(d) or 215.283 (2)(b). [2009 c.865 §17; 2017 c.750 §14]

**184.622 Authority of Department of Transportation to require fingerprints.**

For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Department of Transportation may require the fingerprints of a person who is applying for a license, or renewal of a license, under ORS 319.040 or 319.621 or a person who:

(1)(a) Is employed or applying for employment by the department; or

(b) Provides services or seeks to provide services to the department as a contractor or volunteer; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(b) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state; or

(c) In which the person has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, personal financial information or criminal background information. [2005 c.730 §10]

**Note:** 184.622 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**184.625 Compensation and expenses of director and subordinates.** The Director of Transportation and any deputy directors shall receive such salary as may be provided by law or as fixed by the Governor. In addition to salaries, the director and deputy directors, subject to the limitations otherwise



provided by law, shall be reimbursed for all reasonable expenses necessarily incurred in the performance of official duties. [1969 c.599 §4; 1973 c.249 §17; 1979 c.168 §7; 1999 c.686 §2; 2005 c.70 §5]

**184.626 Bond of director.** The Director of Transportation shall furnish a fidelity bond executed by a company duly licensed to transact the business of surety within this state, in such penal sum, not less than \$200,000, as the Oregon Transportation Commission shall determine. The bond shall be conditioned for the faithful discharge by the director of the duties of office, for the faithful performance by all persons employed by the director of their duties and trusts therein and for the transfer and delivery to the director's successor in office, or to any other person authorized by law to receive the same, of all moneys, books, papers, records and other articles and effects belonging to the office. The premium for the bond shall be paid out of highway funds. [Formerly 366.150]

**184.627 Real property inventory.** (1) The Oregon Transportation Commission shall compile and keep current an inventory of real property, in excess of the operating needs of, and owned by the Department of Transportation.

(2) The inventory must include the following, for each parcel of real property:

(a) A description of the real property and its current use.

(b) An evaluation of future plans for the real property.

(c) An assessment of the value of the real property.

(3) This section does not apply to real property within a highway right-of-way that is used by the public.

(4) The commission shall periodically review the inventory of real property. If the commission determines that a parcel of real property is not anticipated for use for transportation purposes in the reasonably foreseeable future and that disposition of the real property by sale, lease or other means would result in a substantial net benefit to the state to carry out the purposes of Article IX, section 3a, of the Oregon Constitution, the commission shall direct the department to dispose of the real property in the manner provided by rule by the department. [2017 c.750 §9]

**184.628 Chief engineer; appointment; qualifications; staff engineers.** (1) The Director of Transportation, with the approval of the Oregon Transportation Commission, shall appoint a chief engineer. The chief engineer shall be a registered civil engineer and shall be qualified by technical training as well as by practical experience.

(2) The chief engineer may designate persons within the Department of Transportation who have full authority to perform any duty required or permitted by law to be performed by the engineer.

(3) The director may authorize the employment by the chief engineer of such staff engineers, engineering and technical assistants and such other help that in the chief engineer's judgment may be necessary. Compensation, travel allowance and other expenses shall be fixed by the chief engineer with the approval of the director.

(4) This section is subject to any applicable provision of the State Personnel Relations Law. [1993 c.741 §5]

**184.630 Research program.** (1) Except as otherwise provided by law, the Department of Transportation shall provide a research program for divisions within the department, using the staffs of such divisions for development of solutions to such needs as might arise.

(2) The Director of Transportation may provide administrative facilities and services for the divisions within the department. [1969 c.599 §5; 1973 c.249 §19]

**184.631 Public-private research and development program; rules.** (1) The Department of Transportation shall establish a public-private partnership research and development program.

(2) As part of the program established under this section, the department may enter into joint research and development agreements for the purpose of developing products for market that may reduce the cost of maintenance and preservation or extend the useful life of the state's highways or that may improve highway safety. The department may enter into agreements with the following:

(a) Individuals.

(b) Businesses.

(c) Nonprofit organizations.

(d) The governing board of a public university listed in ORS 352.002.

(3) The department may enter into agreements under subsection (2) of this section that allow the department to obtain royalties or other financial benefits from the sale or use of products developed through the public-private partnership research and development program.

(4) Moneys that the department is authorized to spend on planning and research may be used for development of products under this section.

(5) The department shall adopt rules that govern the solicitation and selection of prod-

uct development projects that will receive funding under the program established under this section. [2003 c.819 §18; 2013 c.768 §106; 2015 c.767 §54]

**Note:** 184.631 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**184.632 Legislative finding on ports; policy.** (1) The Legislative Assembly finds that:

(a) The ports in Oregon provide effective local assistance to state transportation development efforts.

(b) The ports in this state develop and market facilities and services to support important existing industries in this state, such as aviation, maritime commerce, international trade, tourism, recreation and transportation.

(c) Port facilities, including roads, railroads, airports, harbors and navigation channels, are an integral element of the transportation infrastructure of this state.

(2) Therefore, the Legislative Assembly declares that it is the policy of this state to include Oregon's ports in planning and implementing transportation programs. To that end, the Department of Transportation and the Oregon Department of Aviation may work to:

(a) Coordinate with the Oregon Business Development Department to facilitate port planning and development;

(b) Promote local cooperation in state-wide planning and development of the ports;

(c) Promote long-term economic self-sufficiency of the ports;

(d) Encourage cost-effective investments with prudent financial consideration of port development projects; and

(e) Facilitate the efforts of the ports to expand and respond to greater domestic and international market opportunities. [1993 c.474 §3; 1999 c.935 §18; 2007 c.804 §83]

**184.633 Duties of director; delegation; bonds for employees; participation in land use matters.** (1) Subject to policy direction by the Oregon Transportation Commission, the Director of Transportation shall:

(a) Be the administrative head of the Department of Transportation;

(b) Have power, within applicable budgetary limitations, and in accordance with ORS chapter 240, to hire, assign, reassign and coordinate personnel of the department and prescribe their duties and fix their compensation, subject to the State Personnel Relations Law;

(c) Administer the laws of the state concerning transportation;

(d) Intervene, as authorized by the commission, pursuant to the rules of practice and procedure, in the proceedings of state and federal agencies which may substantially affect the interest of the consumers and providers of transportation within Oregon; and

(e) Construct, coordinate and promote an integrated transportation system in cooperation with any city, county, district, port or private entity, as defined in ORS 367.802.

(2) In addition to duties otherwise required by law, the director shall prescribe regulations for the government of the department, the conduct of its employees, the assignment and performance of its business and the custody, use and preservation of its records, papers and property in a manner consistent with applicable law.

(3) The director may delegate to any of the employees of the department the exercise or discharge in the director's name of any power, duty or function of whatever character, vested in or imposed by law upon the director, including powers, duties or functions delegated to the director by the commission pursuant to ORS 184.635. The official act of any such person so acting in the director's name and by the authority of the director shall be considered to be an official act of the director.

(4) The director shall have authority to require a fidelity bond of any officer or employee of the department who has charge of, handles or has access to any state money or property, and who is not otherwise required by law to give a bond. The amounts of the bond shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by the director. The department shall pay the premiums on the bonds.

(5)(a) Subject to local government requirements and the provisions of ORS 197.830 to 197.845, the director may participate in and seek review of a land use decision or limited land use decision as defined in ORS 197.015, or an expedited land division as defined in ORS 197.360. The director shall report to the commission on each case in which the department participates and on the positions taken by the director in each case.

(b) If a meeting of the commission is scheduled prior to the close of the period for seeking review of a land use decision, expedited land division or limited land use decision, the director shall obtain formal approval from the commission prior to seeking review of the decision. However, if the land use decision, expedited land division or

limited land use decision becomes final less than 15 days before a meeting of the commission, the director shall proceed as provided in paragraph (c) of this subsection. If the director requests approval from the commission, the applicant and the affected local government shall be notified in writing that the director is seeking commission approval. The director, the applicant and the affected local government shall be given reasonable time to address the commission regarding the director's request for approval to seek review. No other testimony shall be taken by the commission.

(c) If a meeting of the commission is not scheduled prior to the close of the period for seeking review of a land use decision, expedited land division or limited land use decision, at the next commission meeting the director shall report to the commission on each case for which the department has sought review. The director shall request formal approval to proceed with each appeal. The applicant and the affected local government shall be notified of the commission meeting in writing by the director. The director, the applicant and the affected local government shall be given reasonable time to address the commission regarding the director's request for approval to proceed with the appeal. No other testimony shall be taken by the commission. If the commission does not formally approve an appeal, the director shall file a motion with the appropriate tribunal to dismiss the appeal.

(d) A decision by the commission under this subsection is not subject to appeal.

(e) For purposes of this subsection, "applicant" means a person seeking approval of a permit, as defined in ORS 215.402 or 227.160, expedited land division or limited land use decision.

(6) The director may intervene in an appeal of a land use decision brought by another person in the manner provided for an appeal by the director under subsection (5) of this section. [1973 c.249 §18; 1993 c.741 §8; 1999 c.292 §2; 2005 c.612 §1; 2017 c.750 §25]

**184.634 Disposition of real property by department; rules.** Notwithstanding the provisions of ORS 270.100, 270.110, 270.130, 270.140, 270.150 and 273.426, the Oregon Transportation Commission may establish by rule procedures and criteria for:

(1) The advertisement for sale of real property by the Department of Transportation;

(2) The disposition of real property by the department after an auction at which no satisfactory bids were received; and

(3) The disposition by the department of real property that:

(a) Has minimal value and is useful only to adjacent property owners; or

(b) May not, because of local land use ordinances, be disposed of to anyone other than adjacent property owners. [1989 c.499 §2; 1991 c.816 §23]

**184.635 Reports to Governor; delegation of powers; rules.** (1) The Oregon Transportation Commission shall develop and report to the Governor on legislative, budgetary and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to transportation. To accomplish this end, the commission may hold public hearings, consult with and use the services and cooperation of other state and federal agencies, employ consultants and appoint advisory and technical committees to assist in the work.

(2) Whenever a power is granted to the commission the power may be exercised by such officer or employee within the Department of Transportation as is designated in writing by the commission. Any such designation shall be filed in the office of the Secretary of State. The authority to delegate granted by this subsection includes, but is not limited to, authority to delegate the power to adopt rules for the department. [1969 c.599 §6; 1973 c.249 §14; 1993 c.741 §9]

**184.636 Revolving funds; disbursements; payment of claims and expenses of other state agencies.** (1) Upon approval of the State Treasurer and the Oregon Department of Administrative Services, the Department of Transportation may establish revolving funds in the State Treasury. These funds may be used as depository accounts.

(2) Disbursements may be made by check signed by such person as delegated by the Director of Transportation. Disbursements shall be made only in payment of claims authorized by law for the ordinary expenditures of the department incurred in the operation of the department. The department shall keep accurate account of which funds any expenditures are debited or credited to and of any interest income which may be due.

(3) Upon approval of the Oregon Department of Administrative Services and the State Treasurer, the department may write checks upon the State Treasury to pay for claims and expenditures of other state agencies not a part of the department. The Oregon Department of Administrative Services shall draw up warrants for the amounts paid separately or in aggregate.

(4) Moneys in the account established under subsection (1) of this section may be held as petty cash or carried by the State Treasurer to be disbursed in accordance with

subsection (3) of this section. [1989 c.345 §5; 1993 c.741 §10]

**184.637 Departmental fiscal officer; reports.** The Director of Transportation shall designate a fiscal officer for the Department of Transportation who shall:

(1) Provide for sound financial management systems, including all accounting, budgetary and financial control functions for the department.

(2) Prepare financial reports as required by statute or as required by the director.

(3) Act in an advisory capacity to the director in all financial matters and perform such other duties and responsibilities with respect to accounting procedures and other like duties and responsibilities as the director considers advisable.

(4) By the end of the calendar year, prepare and submit to all units of the department for which accounting services were performed a report of all funds received during the last completed fiscal year by each unit, the sources from which funds were received, the expenditures and disbursement of the funds and the purpose for which they were expended. [1973 c.249 §20; 1979 c.293 §2; 1989 c.345 §1; 1993 c.741 §11]

**184.638 Functions provided by fiscal officer.** The fiscal officer for the Department of Transportation may provide or contract for the provision of the following functions for the department:

(1) Operation of an adequate accounting system in order that all revenues and expenditures may be properly recorded and maintained.

(2) Partial payment on contracts based upon estimates of completion.

(3) Preparation of vouchers covering claims for all salaries and expenses and other expenditures which are authorized by the Director of Transportation. Claims approved by the director shall be indorsed by the director or the director's designee and presented for payment.

(4) Preparation of a monthly payroll in which the department shall record the name of each employee, the rate of salary or wages, the capacity in which each person is employed and the amount due each employee. The payroll shall be verified by the fiscal officer. After payment, payroll checks shall be retained by the department, and shall constitute a full receipt of the payment for services rendered. The department may draw payroll checks against appropriate departmental accounts.

(5) Such other functions as the director may deem necessary for the sound fiscal ad-

ministration of the department. [1989 c.345 §3; 1993 c.741 §12]

**184.639 Internal auditor.** (1) The Oregon Transportation Commission, in consultation with the Director of Transportation, shall designate an internal auditor for the Department of Transportation. The internal auditor shall be an employee of the department and shall report to the director. The director may remove the internal auditor only after a majority vote of the commission approves the removal.

(2) The internal auditor shall perform internal audits of the department, in accordance with ORS 184.360, including but not limited to the following:

(a) Audits that assess the financial integrity of the department;

(b) Audits to determine the efficiency and effectiveness of the operations of the department;

(c) Audits of contracts entered into by the department; and

(d) Any audits required by federal law that are delegated to the commission or the department to perform.

(3) The internal auditor shall submit all final audit reports to the commission. After redacting from the audit reports information that is exempted from disclosure under ORS 192.311 to 192.478, the commission shall have the reports posted on the website described in ORS 184.661.

(4) The commission or the director may request that the internal auditor conduct specific audits as the commission or director deems necessary.

(5) The internal auditor, after considering input from the commission or the director, shall make the final determination on which audits to perform.

(6) The internal auditor may also audit third party arrangements entered into by the department. [1989 c.345 §4; 1993 c.741 §13; 2017 c.750 §15]

**184.640 Transportation Administration Account; budget and payment for administrative expenses of department.** (1) There is established, separate and distinct from the General Fund, the Transportation Administration Account.

(2) Notwithstanding any other law, such amounts as may be necessary to pay the administrative expenses of the Department of Transportation shall be continuously credited to the Transportation Administration Account from the biennial appropriations to, or transferred to such administration account from the accounts or funds of, units within the department that have separate appropriations, accounts or funds. Such amounts as

may be requested quarterly by the Director of Transportation, with the approval of the Oregon Department of Administrative Services, shall be so credited or transferred to the Transportation Administration Account. The department is subject to the allotment system provided for in ORS 291.234 to 291.260.

(3) The amounts credited and transferred to the Transportation Administration Account shall not be greater than the total of any budget approved for the department by the Legislative Assembly and shall be determined by prorating the costs of the office of the director among the respective units within the department. All moneys appropriated, credited or transferred to the Transportation Administration Account are appropriated continuously to pay the administrative expenses of the department. Interest earned by the account shall be credited to the account. [1969 c.599 §7; 1973 c.249 §21; 1989 c.966 §5; 1993 c.741 §14]

**184.642 Department of Transportation Operating Fund; sources; uses.** (1) The Department of Transportation Operating Fund is established in the State Treasury separate and distinct from the General Fund and separate and distinct from the State Highway Fund. Except as otherwise provided in subsection (3)(e) of this section, moneys in the Department of Transportation Operating Fund are continuously appropriated to the Department of Transportation to pay expenses of the department that are incurred in the performance of functions the department is statutorily required or authorized to perform and that may not constitutionally be paid from revenues described in section 3a, Article IX of the Oregon Constitution.

(2) The operating fund shall consist of the following:

(a) Taxes paid on motor vehicle fuels or on the use of fuel in a motor vehicle for which a person is entitled to a refund under a provision described in this paragraph but for which no refund is claimed, in amounts determined under ORS 184.643. This paragraph applies to refund entitlements described in ORS 319.280 (1)(a) and (e), 319.320 (1)(a) and 319.831 (1)(b).

(b) Fees collected under ORS 822.700 for issuance or renewal of:

- (A) Dismantler certificates;
- (B) Vehicle dealer certificates;
- (C) Show licenses;
- (D) Vehicle transporter certificates;
- (E) Driver training instructor certificates;
- (F) Commercial driver training school certificates; and

(G) Vehicle appraiser certificates.

(c) Late fees collected under ORS 822.700.

(d) Fees collected under ORS 822.705.

(e) Moneys from civil penalties imposed under ORS 822.009.

(f) Fees collected under ORS 807.410 for identification cards.

(g) Fees collected by the department for issuance of permits to engage in activities described in ORS 374.302 to 374.334 that are not directly connected to the construction, reconstruction, improvement, repair, maintenance, operation and use of a public highway, road, street or roadside rest area.

(h) Fees collected under ORS 835.017 for services provided to the Oregon Department of Aviation.

(i) Interest and other earnings on moneys in the operating fund.

(3) Moneys in the Department of Transportation Operating Fund established by subsections (1) and (2) of this section may be spent only as follows:

(a) Taxes described in subsection (2)(a) of this section may be used only for payment of expenses of the Department of Transportation that:

(A) May not constitutionally be paid from revenues described in section 3a, Article IX of the Oregon Constitution;

(B) Are incurred in the performance of functions the department is statutorily required or authorized to perform; and

(C) Are not payable from moneys described in paragraphs (b) to (e) of this subsection.

(b) Fees collected under subsection (2)(b) of this section may be used only to carry out the regulatory functions of the department relating to the businesses that generate the fees.

(c) Fees collected under ORS 822.705 may be used only for the purposes described in ORS 822.705.

(d) Moneys collected from civil penalties imposed under ORS 822.009 may be used only for regulation of vehicle dealers.

(e) Moneys collected under ORS 807.410 from fees for identification cards shall be used first to pay the expenses of the department for performing the functions of the department relating to identification cards. After paying the expenses related to identification cards, the department shall transfer the remaining moneys collected under ORS 807.410 to the Elderly and Disabled Special Transportation Fund established in ORS 391.800.

(f) Moneys from the permits described in subsection (2)(g) of this section may be used for costs of issuing the permits and monitoring the activities that generate the fees.

(g) Moneys from interest and other earnings on moneys in the operating fund may be used for any purpose for which other moneys in the fund may be used. [2001 c.820 §§1,2; 2003 c.601 §1; 2003 c.655 §62; 2005 c.654 §§22,23; 2011 c.630 §34; 2013 c.372 §4]

**Note:** 184.642 and 184.643 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**184.643 Transfer of certain fuel tax moneys to operating fund.** Once each year the Oregon Department of Administrative Services, after consultation with the Oregon Transportation Commission and the Department of Transportation, shall estimate the amount of taxes paid for which persons are entitled to refunds under ORS 319.280 (1)(a) and (e), 319.320 (1)(a) and 319.831 (1)(b). After deducting the amount of any refunds actually paid, the Oregon Department of Administrative Services shall certify the remaining amount to the Department of Transportation. The Department of Transportation shall transfer the remaining amount from the Driver and Motor Vehicle Suspense Account to the Department of Transportation Operating Fund established by ORS 184.642 (1) and (2). [2001 c.820 §3; 2003 c.16 §1]

**Note:** See note under 184.642.

**184.644 Levy and sale of property for payment of liquidated and delinquent debt owed to department; fees; warrants.**

(1) For purposes of this section, a liquidated and delinquent debt is a debt that meets one of the following conditions:

(a) Judgment has been entered on the debt; or

(b) Liability for and the amount of the debt have been established through an administrative proceeding.

(2) If a person fails to pay in full any liquidated and delinquent debt due the Department of Transportation, the department may issue a warrant for the amount due, with the added penalties or charges, interest and cost of executing the warrant. A copy of the warrant shall be mailed or delivered to the debtor by the department at the debtor's last-known address.

(3) At any time after issuing a warrant under this section, the department may record the warrant in the County Clerk Lien Record of any county of this state. Recording of the warrant has the effect described in ORS 205.125. After recording a warrant, the department may direct the sheriff for the county in which the warrant is recorded to

levy upon and sell the real and personal property of the debtor found within that county, and to levy upon any currency of the debtor found within that county, for the application of the proceeds or currency against the amount reflected in the warrant and the sheriff's cost of executing the warrant. The sheriff shall proceed on the warrant in the same manner prescribed by law for executions issued against property pursuant to a judgment, and is entitled to the same fees as provided for executions issued against property pursuant to a judgment. The fees of the sheriff shall be added to and collected as a part of the warrant liability.

(4) In the discretion of the department a warrant under this section may be directed to any agent authorized by the department to collect debts under this section, and in the execution of the warrant the agent has all of the powers conferred by law upon sheriffs, but is entitled to no fee or compensation in excess of actual expenses paid in the performance of such duty.

(5) Nothing in this section affects any provision of ORS 319.182, 319.742 or 825.504. [2007 c.27 §2; 2011 c.661 §1]

**184.645 Department of Transportation Working Capital Account; data processing and photocopy equipment and services.** (1) There is hereby established an account, separate and distinct from the General Fund, to be known as the Department of Transportation Working Capital Account, which account is appropriated continuously for, and shall be used for, the purpose of acquiring data processing, word processing and photocopy equipment and services. Interest earned by the account shall be credited to the account.

(2) The cost to the Department of Transportation of providing data processing, word processing and photocopy services, including labor, facilities, materials, overhead, administrative cost, the lease or purchase cost of the equipment and depreciation, to any state agency, including itself, which is to be charged, in part or whole to the agency or unit served may be advanced out of the Department of Transportation Working Capital Account. The costs advanced from the account shall be reimbursed to the account from the charges paid to the department by the agency or unit served. [1979 c.380 §§2,3; 1981 c.306 §1; 1989 c.966 §6]

**184.647 Transfer of funds to working capital account; retransfer; use of remainder.** In order to facilitate financing the costs advanced under ORS 184.645 (2), the Department of Transportation may at any time during the biennium transfer to the Department of Transportation Working Capital Account such amounts as it considers

necessary from funds available to the department for a biennial period. Funds transferred shall be retransferred from the Department of Transportation Working Capital Account by the department to the fund from which the original transfer was made prior to the last day of each biennial period. All or part of the funds remaining in the working capital account at the end of any biennium may remain in the account beyond the end of the biennium for the acquisition of data processing, word processing and photocopy equipment and services. [1979 c.380 §4; 1981 c.306 §2]

**184.648 Revolving fund.** The Central Services Division of the Department of Transportation may establish a revolving fund, separate and distinct from the General Fund, not to exceed the aggregate amount of \$5,000. Interest earned by the fund shall be credited to the fund. [1983 c.136 §4; 1989 c.966 §7]

**Note:** 184.648 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**184.649 Report on audits.** The Oregon Transportation Commission shall report on audits of the Department of Transportation to the Joint Legislative Audit Committee established by ORS 171.580 and to the Joint Committee on Transportation established by ORS 171.858 at least once each biennium. [2005 c.612 §9; 2017 c.750 §18]

**Note:** 184.649 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**184.650** [1981 c.700 §1; repealed by 1983 c.324 §59]

**184.651 Cost accounting system; requirements.** The Department of Transportation shall develop, operate and maintain a full cost accounting system that accurately and separately accounts for all direct, indirect and administrative costs incurred by each of the following units of the department:

- (1) Central services.
- (2) Driver and motor vehicle services.
- (3) Highways.
- (4) Motor carriers.
- (5) Rail.
- (6) Transit.
- (7) Transportation development.
- (8) Transportation safety. [1999 c.936 §2; 1999 c.936 §5; 2005 c.612 §2; 2007 c.768 §65]

**184.652 Sharing facilities and offices with local governments.** As part of the preparation of the capital construction estimate submitted to the Oregon Department of Administrative Services pursuant to ORS

291.224, the Department of Transportation shall prepare, in addition to any amounts budgeted for the Department of Transportation, a budget request for other funds that may be used to facilitate the sharing of offices and other facilities used by the Department of Transportation with the offices and other facilities used by local government. [2009 c.865 §15]

**Note:** 184.652 and 184.653 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 184 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**184.653 Least-cost planning.** (1) As used in this section, “least-cost planning” means a process of comparing direct and indirect costs of demand and supply options to meet transportation goals, policies or both, where the intent of the process is to identify the most cost-effective mix of options.

(2) The Department of Transportation shall, in consultation with local governments and metropolitan planning organizations, develop a least-cost planning model for use as a decision-making tool in the development of plans and projects at both the state and regional level. [2009 c.865 §6]

**Note:** See note under 184.652.

**184.654 Short title.** ORS 184.656 shall be known and may be cited as the “Transportation Spending Accountability Act.” [1999 c.939 §1; 2015 c.138 §7]

**184.655** [1981 c.700 §3; repealed by 1983 c.324 §59]

**184.656 Governor’s budget for department.** The Governor shall submit to the Legislative Assembly a proposed biennial budget for the Department of Transportation that specifies how existing revenues from all sources will be spent. The budget shall include proposed expenditures for each program or item specifically listed in the budget bills for the department enacted during the preceding odd-numbered year regular session of the Legislative Assembly. [1999 c.939 §4; 2001 c.104 §65; 2005 c.612 §3; 2011 c.545 §16; 2015 c.138 §8; 2016 c.117 §43]

**Note:** Section 18, chapter 30, Oregon Laws 2010, provides:

**Sec. 18. Reports on revenue.** (1) The Department of Transportation shall report quarterly to the legislative committees on revenue if the Legislative Assembly is in session or, if the Legislative Assembly is not in session, to the Legislative Revenue Officer. The department’s report shall include an estimate of the amounts received in the previous quarter from the increased taxes and fees established in chapter 865, Oregon Laws 2009, and an estimate of the projected revenue in the current quarter from the increased taxes and fees established in chapter 865, Oregon Laws 2009.

(2) In addition to the report described in subsection (1) of this section, the Department of Transportation shall report quarterly to the legislative committees on revenue if the Legislative Assembly is in session or, if the Legislative Assembly is not in session, to the Legislative Revenue Officer. The department’s report shall include:

(a) An estimate of the amounts received in the previous quarter from the increased taxes and fees established in sections 32 [803.422], 33, 37 [803.091], 38 and 45 of this 2017 Act and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70 of this 2017 Act, and an estimate of the projected revenue in the current quarter from the increased taxes and fees established in sections 32, 33, 37, 38 and 45 of this 2017 Act and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70 of this 2017 Act.

(b) An estimate of the amounts received in the previous biennium to date from the increased taxes and fees established in sections 32, 33, 37, 38 and 45 of this 2017 Act and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70 of this 2017 Act, and an estimate of the projected revenue in the remaining current biennium from the increased taxes and fees established in sections 32, 33, 37, 38 and 45 of this 2017 Act and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70 of this 2017 Act.

(c) Information about the expenditures and distributions made under section 71a of this 2017 Act [367.095], including but not limited to:

(A) Information about the department's total funds as well as the funds raised separately by the increased taxes and fees established in sections 32, 33, 37, 38 and 45 of this 2017 Act and the amendments to ORS 319.020, 319.530, 803.420, 803.645, 818.225, 818.270, 825.450, 825.476, 825.480 and 826.023 by sections 34, 35, 40 to 43, 48, 49, 51, 52, 54, 55, 57, 58, 63, 64, 66, 67 and 70 of this 2017 Act and expended as described in section 71a (3)(c) of this 2017 Act.

(B) Quarterly amounts that include all the actual and forecasted expenditures and distributions made under section 71a of this 2017 Act for each quarter of the current biennium and the forecasted expenditures and distributions for the following biennium. [2010 c.30 §18; 2017 c.750 §71L]

**Note:** Section 5, chapter 865, Oregon Laws 2009, provides:

**Sec. 5.** (1) The Department of Transportation shall provide information on the department's website about:

(a) Transportation projects described in section 64, chapter 865, Oregon Laws 2009; and

(b) Any other transportation projects funded by the increase in taxes and fees by the amendments to:

(A) ORS 803.090 by section 42, chapter 865, Oregon Laws 2009;

(B) ORS 803.420 by section 43, chapter 865, Oregon Laws 2009;

(C) ORS 803.420 by section 43a, chapter 865, Oregon Laws 2009;

(D) ORS 803.570 by section 44, chapter 865, Oregon Laws 2009;

(E) ORS 803.645 by section 44a, chapter 865, Oregon Laws 2009;

(F) ORS 319.020 by section 48, chapter 865, Oregon Laws 2009;

(G) ORS 319.530 by section 49, chapter 865, Oregon Laws 2009;

(H) ORS 818.225 by section 51, chapter 865, Oregon Laws 2009;

(I) ORS 825.476 by section 52, chapter 865, Oregon Laws 2009; and

(J) ORS 825.480 by section 53, chapter 865, Oregon Laws 2009.

(2) The department shall make the information accessible directly from the department's website home page.

(3) For each project listed, the department shall provide a short description of the project, the intended benefit of the project, an estimated date for inviting bids and entering into contracts, an estimated contract cost, an estimated completion date, any change in the estimated completion date and any change in the project cost. The department shall also provide explanation for any change in the estimated completion date or change in project cost.

(4) The department shall update the information required by this section each week until all projects are completed.

(5) The department shall report to the interim House and Senate committees related to transportation on the progress the department is making toward achieving the goals of this section. [2009 c.865 §5; 2010 c.30 §2]

### **184.657 Describing and reporting condition of transportation infrastructure.**

(1) The Oregon Transportation Commission shall develop a set of uniform standards, in coordination with counties and cities, for the consistent description and reporting of the condition of the transportation infrastructure owned by the state, counties and cities. The infrastructure described must include pavement and bridges.

(2) By February 1 of each odd-numbered year, every city and county shall submit a report covering the condition of its transportation infrastructure.

(3) The commission shall periodically review the condition of the transportation infrastructure owned by the state and the reports submitted under this section. The commission shall post the reports and the commission's review of the reports on the website described in ORS 184.661.

(4) Notwithstanding ORS 366.762 to 366.768 or 366.785 to 366.820, any city or county failing to file a report under this section may not receive any payments from the State Highway Fund until the report is filed.

(5) Not later than April 1 of each odd-numbered year, the commission shall submit a report about the state of the transportation infrastructure of Oregon, including the transportation infrastructure of cities and counties, to:

(a) The Legislative Assembly in the manner provided by ORS 192.245; and

(b) The Joint Committee on Transportation established under ORS 171.858. [2017 c.750 §11]

**184.658** [1999 c.939 §5; 2005 c.612 §4; repealed by 2015 c.138 §3]

**184.659 Written analysis of costs and benefits of proposed transportation projects.** (1) As used in this section, "transportation project" means a project:



(a) That is a highway modernization transportation project or capacity building transportation project proposed for construction in the Statewide Transportation Improvement Program; and

(b) That is estimated to cost at least \$15 million.

(2) As a part of the project scoping phase, the Department of Transportation shall prepare a written analysis of the costs and benefits of a transportation project. The analysis must state:

(a) The scope of the project;

(b) The period of analysis;

(c) The discount rate used in the analysis;

(d) The estimated costs to the department to undertake the project, including any costs for design, purchasing highway right-of-way and construction;

(e) The future costs to the department to preserve and maintain the project, discounted to present value;

(f) Any other costs to the department;

(g) The costs to highway users that are associated with the project, including loss of safety, delays in the time of travel and additional expenses for operating vehicles;

(h) The costs of any environmental impacts, including vehicle emissions and noise; and

(i) The value of the benefits of the project, including the value of any:

(A) Savings in the time of travel;

(B) Improvements to safety;

(C) Savings in the cost of operating vehicles; and

(D) Other social, economic or environmental benefits of the project.

(3) The analysis required by this section:

(a) Must include a discussion of increases in costs that would result from delays in the performance of routine maintenance scheduled by the department;

(b) May include a discussion of:

(A) The costs of the project for any other persons and governmental agencies; and

(B) Any costs or benefits which may result from the use of alternative design, construction or financing practices; and

(c) Must be prepared in a format that allows for the comparison of proposed transportation projects.

(4) The analysis required by this section must be made available to the commission and the public when the agenda is posted for the meeting at which the proposal will be submitted to the commission for its approval.

(5) This section does not apply to transportation projects listed in ORS 367.095 or 383.150 or section 71d or 71f, chapter 750, Oregon Laws 2017. [2017 c.750 §13]

**184.660** [1999 c.939 §6; repealed by 2005 c.612 §10]

**184.661 Website.** (1) The Oregon Transportation Commission, through the Department of Transportation, shall develop a website.

(2) The website must include:

(a) A list of all transportation projects in the Statewide Transportation Improvement Program and for each project the website must include:

(A) A description of the project and the project benefits;

(B) The estimated cost and estimated completion date;

(C) Updated information about the projects as they proceed, including the actual amount spent to date on the project; and

(D) After a project is completed, updated information, including the amount a project is under or over the original estimated cost and whether a project was completed by the original estimated completion date.

(b) Information on the reports required under ORS 366.774 and 366.790 for all cities and counties in the state, including the amount of transportation funds collected by each county and city and the source of the funds and the amount of money spent on transportation projects by type of expenditure as listed in ORS 366.774 (2) and 366.790 (2). This information shall be displayed for the most current six-year period.

(c) Information on the condition of Oregon's transportation infrastructure, as required under ORS 184.657.

(d) Information about the results the audits performed pursuant to ORS 184.639.

(e) Links to all available county and city transportation project websites.

(f) Links to websites about transportation projects receiving moneys from the Connect Oregon Fund. [2017 c.750 §12]

**Note:** Section 12a, chapter 750, Oregon Laws 2017, provides:

**Sec. 12a.** The information required under section 12 (2)(b) of this 2017 Act [ORS 184.661 (2)(b)] is required only for years beginning on or after January 1, 2018. Nothing in this section precludes a city or county from providing additional information. [2017 c.750 §12a]

**184.662** [1999 c.939 §7; repealed by 2005 c.612 §10]

**184.664** [1999 c.939 §8; 2005 c.612 §5; repealed by 2015 c.138 §4]

**184.665 Continuous Improvement Advisory Committee.** (1) The Oregon Transportation Commission shall appoint a Continuous Improvement Advisory Commit-

tee composed of members of the commission, employees of the Department of Transportation and transportation stakeholders. The committee shall be of such size and representation as the commission determines appropriate.

(2) The committee shall:

(a) Advise the commission on ways to maximize the efficiency of the department to allow increased investment in the transportation system over the short, medium and long term.

(b) Develop key performance measures, based on desired outcomes, for each division of the department. The committee shall submit key performance measures to the commission for its approval. The committee shall report to the commission at least once per year on the status of key performance measures and what steps are being taken by the department to achieve the goals of the key performance measures.

(3) The committee shall periodically report to the commission. The reports must include recommendations on ways the commission and the department may execute their duties more efficiently.

(4) Each odd-numbered year, the commission shall submit a report, in the manner provided by ORS 192.245, to the Joint Committee on Transportation established under ORS 171.858. The report must include information on the activities and recommendations of the committee and information on any actions taken by the commission or the department to implement recommendations of the committee.

(5) The committee shall meet regularly, at times and places fixed by the chairperson of the committee or a majority of members of the committee. The department shall provide office space and personnel to assist the committee as requested by the chairperson, within the limits of available funds. [2017 c.750 §10]

**184.666** [1999 c.939 §9; 2011 c.545 §31; repealed by 2015 c.138 §5]

#### (Cooperation and Assistance on Transportation Projects)

**184.668 Cooperation by other agencies issuing permits for transportation projects; technical assistance on land use decisions.** (1) Each state agency that issues a permit or other governmental authorization necessary for the construction or siting of a transportation project undertaken by the Department of Transportation shall:

(a) Upon request from the department, provide a list of applicable standards and criteria for the permit or other governmental authorization;

(b) Upon request from the department, provide technical assistance concerning how to complete the permitting or other governmental authorization process in the most cost-effective and timely manner consistent with legal requirements administered by the agency; and

(c) Within the authority and discretion otherwise afforded the agency by law, expedite review of, and the final decision on, the permit or other governmental authorization.

(2) When a local land use decision concerning a transportation project undertaken by the department involves the application of statutes or rules that are administered by a state agency, upon request from the department the state agency shall provide technical assistance to the department concerning the application of the statute or rule to the transportation project. If a state agency provides technical assistance to the department under this subsection, upon request from the department the state agency shall participate in the local land use decision in order to place the substance of its assistance to the department on the record of the local proceeding. If the local land use decision is appealed, the department may request that the state agency participate in the appeal.

(3) As used in this section:

(a) "State agency" or "agency" means:

(A) The Department of Environmental Quality;

(B) The Department of Land Conservation and Development;

(C) The Department of State Lands;

(D) The State Department of Agriculture;

(E) The State Department of Fish and Wildlife;

(F) The State Department of Geology and Mineral Industries;

(G) The State Forestry Department; and

(H) The State Parks and Recreation Department.

(b) "Transportation project" has the meaning given that term in ORS 367.010. [2003 c.340 §1]

#### (Public Transit)

**184.670 Purpose of ORS 184.670 to 184.733.** It is the purpose of ORS 184.675, 184.685 to 184.733 and this section:

(1) To provide a means of state financial assistance and coordination to meet the state's most pressing mobility needs and to make transportation an effective and responsive force in achieving goals for social, economic and environmental development, and conservation of critical resources.

(2) To foster the development of an integrated transportation system in which each component or mode, such as air, bus, rail or para-transit is encouraged to perform in a coordinated and complementary manner with other components or modes, and in balance with the public need and economic and social constraints.

(3) To encourage more effective participation by the private sector in providing coordinated public transportation.

(4) To provide for optimum and broader uses of federal funds as they become available.

(5) To promote the continuation and development of privately owned intercity common carriers of passengers. [1977 c.230 §1]

**184.675 Definitions for ORS 184.670 to 184.733.** As used in ORS 184.670 to 184.733, unless the context requires otherwise:

(1) “Director” means Director of Transportation.

(2) “Department” means the Department of Transportation.

(3) “Operating agreement” means an agreement for the operation or maintenance on behalf of the Department of Transportation of all or part of a public transportation system, but does not include agreements by which the department provides only financial or technical assistance or transportation facilities or equipment and which do not control routes, rates or levels of service, or agreements under which such control is exercised by the federal government through the department.

(4) “Public transportation system” means any form of passenger transportation system, whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized areas, and including related passenger terminal facilities and motor vehicle parking facilities.

(5) “Person” means the United States or any state or any department or agency of any of the above, or any nonprofit corporation or entity or any other individual, corporation or entity, either public or private.

(6) “Bus” means a motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons.

(7) “Public transportation entity” includes a city, county, transportation district, mass transit district, metropolitan service district, Indian tribe as defined in ORS 391.802 or private nonprofit corporation operating a public transportation system. [1969

c.599 §50; 1973 c.249 §23; 1977 c.230 §2; 1981 c.224 §1; 1989 c.171 §24; 1993 c.741 §15; 2003 c.751 §8]

**184.680** [1969 c.599 §§51,53; subsection (3) enacted by 1969 c.599 §53a; 1973 c.249 §24; repealed by 1993 c.741 §147]

**184.685 Purpose of department.** The Department of Transportation may conduct statewide coordinating, financing, planning, research and development of public transportation systems in this state to insure the most orderly, efficient and economical development of such systems. [1969 c.599 §57; 1973 c.249 §25; 1977 c.230 §7]

**184.689 Powers and duties of department.** In order to carry out the purposes set forth in ORS 184.685, the Department of Transportation may:

(1) Sue and be sued;

(2) Acquire by purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein, including access rights, and take, hold, possess and dispose of any such property or interest;

(3) Conduct or carry out, subject to any other provision of law, field research, planning, financing, design, construction, acquisition, lease, preservation, or improvement of any public transportation system or any portion thereof, or provide for such activity by entering into agreements with any person or persons principally responsible for the operations of such public transportation system and possessing authority to enter into such agreement;

(4) Enter into any other necessary agreements; employ agents, engineers, consultants and other persons as necessary and fix their compensation;

(5) Construct, acquire, plan, design, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with any public transportation system;

(6) Advise and assist in the formulation of overall public transportation policies and plans;

(7) Make necessary studies and render technical assistance to local governments;

(8) Participate in regulatory proceedings affecting public transportation;

(9) Assist local government, private and nonprofit operators of passenger transportation systems in the planning, experimentation, financing, design, construction, acquisition, lease, preservation, improvement, operation and maintenance of public transportation systems. The assistance may include loans, grants, or the provision of equipment or facilities or any rights therein by sale, lease or grant, or special grants to the users of said systems;

(10) Subject to the provisions of ORS 184.705, enter into operating agreements with any person;

(11) Receive and disburse funds from or to any person under contractual terms or according to other authorized state or federal procedures. When more than one carrier provides similar services in the same or related areas or corridors pursuant to a certificate of public convenience and necessity, the department may select a provider of service on the basis of written proposals evaluated under criteria established by the Oregon Transportation Commission;

(12) Perform any necessary planning, administration, review or other functions required to be performed by the state or any agency thereof in connection with the allocation and distribution to any person of federal funds pursuant to the Urban Mass Transportation Act of 1964, as amended, or any other federal funding program for public transportation systems; and

(13) Negotiate with existing passenger carriers to preserve or coordinate transportation schedules to upgrade the existing system of intercity transportation. [1977 c.230 §9 (enacted in lieu of 184.700)]

**184.690** [1969 c.599 §§54,55; repealed by 1973 c.249 §91]

**184.691 Public Transit Account; use of moneys.** The Public Transit Account is established in the General Fund of the State Treasury. Except as otherwise provided by law, all moneys received by the Department of Transportation for public transit purposes, from whatever source, shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously to the department and shall be used for public transit purposes authorized by law. [1975 c.522 §6; 1977 c.230 §5; 1993 c.741 §16]

**184.695** [1969 c.599 §56; repealed by 1973 c.249 §91]

**184.700** [1971 c.559 §2; 1973 c.249 §26; repealed by 1977 c.230 §8 (184.689 enacted in lieu of 184.700)]

**184.705 Operating agreements.** (1) The Department of Transportation, in a manner determined by the Oregon Transportation Commission, may enter into operating agreements with any person. The agreements may include, but are not limited to, provisions with respect to:

- (a) Services to be rendered;
- (b) Routes to be served;
- (c) Schedules to be provided;
- (d) Compensation to be paid;
- (e) Equipment to be used;
- (f) Points to be served;
- (g) Terminals to be used;
- (h) Qualifications of operating employees;

(i) Accounting and reporting procedures; and

(j) Termination dates.

(2) To the extent practicable the department shall enter into operating agreements with carriers authorized by the department to perform passenger transportation services pursuant to ORS 824.020 to 824.042 or ORS chapter 825. [1977 c.230 §13; 1989 c.171 §25; 1997 c.275 §1]

**184.710 When operating agreements prohibited.** The Department of Transportation shall not enter into operating agreements with any person for service in competition with service being provided by a mass transit district or transportation district formed under ORS chapter 267 without the consent of such district. [1977 c.230 §15]

**184.715** [1977 c.230 §14; repealed by 1993 c.741 §147]

**184.720 Criteria and standards for evaluation of projects.** For the purpose of aiding the development of public transportation systems, the Department of Transportation shall establish criteria and standards for the evaluation of transportation projects considered for assistance under ORS 184.670, 184.675 and 184.685 to 184.733. [1977 c.230 §11]

**184.725 Rules.** The Department of Transportation shall adopt such rules as are necessary to carry out the provisions of ORS 184.670, 184.675 and 184.685 to 184.733. [1977 c.230 §12]

**184.727** [1981 c.224 §3; repealed by 1989 c.867 §1]

### (Public Transportation Development Program)

**184.730 Authority for public transportation development program.** (1) In addition to the provisions of ORS 184.689, the Department of Transportation is authorized to institute a public transportation development program which may be financed by state, federal, local or other funds and may be operated in conjunction and cooperation with the federal government, metropolitan planning organizations, public and private employers, and public transportation entities.

(2) The department may apply to the Federal Transit Administration or Federal Highway Administration of the United States Department of Transportation or other federal or state government agency for participation in any public transportation system development project.

(3) The department may, with the assistance of the Oregon Department of Administrative Services or in cooperation with public transportation entities, or both, write specifications for and order public transportation equipment on behalf of any number of public transportation entities, to purchase real estate or to purchase, engineer, design, con-

struct or lease public transportation structures and facilities under this program.

(4) If federal funds are being used to finance any project under this program, the department shall secure assurance from the federal government of the availability and amount of federal financial assistance. The department may also secure obligations by the participating public transportation entities that they will manage and operate such public transportation equipment or facilities at the appropriate time and will supply local funding if such is being utilized.

(5) Funding for projects under this section and ORS 184.733 may be with whatever percentage of federal, state or local funds that the Oregon Transportation Commission deems proper. In the event that the federal percentage is changed by legislation, the state and local percentage may be changed by action of the Oregon Transportation Commission.

(6) In cooperation with metropolitan planning organizations, public and private employers, and public transportation entities, the department may develop transportation demand management projects, air quality improvement projects, demonstration projects, and planning and research projects. As used in this subsection:

(a) Transportation demand management projects are measures to reduce traffic congestion and travel by single occupant automobiles including but not limited to carpool, vanpool, buspool, park-and-ride facilities, parking management, high occupancy vehicle lanes, bus bypass lanes, flexible hours of employment, work trip reduction programs and incentives to use public transportation.

(b) Air quality improvement projects are measures to reduce vehicle emissions, including transportation demand management, development of alternative fuels including fueling stations, conversion of existing vehicles or replacement of existing vehicles with vehicles producing lower emissions, research into vehicles using alternative fuels and purchase of new vehicles by public transportation entities.

(c) Demonstration projects show the merits of products, projects, transportation service designs or management techniques. Demonstration projects are of a limited duration. [1981 c.224 §4; 1989 c.867 §2; 1991 c.752 §14f; 1993 c.741 §17; 1995 c.79 §65]

**184.733 Department of Transportation Public Transportation Development Fund; use of fund; sources.** (1) There is hereby established an account in the State Treasury, separate and distinct from the General Fund, to be known as the Department of Transportation Public Transporta-

tion Development Fund, which account is appropriated continuously for, and shall be used for, the purposes of ORS 184.730, developing and improving public transportation systems, acquiring transportation equipment and constructing facilities or participating with public transportation entities in the acquisition or construction of equipment or facilities. All interest, if any, shall inure to the benefit of the fund. In order to facilitate financing of the costs of transportation demand management projects, air quality improvement projects, demonstration projects, planning and research projects, acquisition or construction, the Department of Transportation may at any time, with Oregon Transportation Commission approval, draw on funds in this account for authorized purposes. The Director of Transportation may enter into written agreements with public transportation entities that commit the department to pay anticipated funds from the Department of Transportation Public Transportation Development Fund to public transportation entities for the purpose of financing the costs of acquisition and construction of transportation equipment and facilities, including servicing any obligations entered into by a public transportation entity to finance transportation equipment and facilities, which written agreements may provide for the remittance of such funds on such periodic basis, in such amounts, over such period of years and with such priority over other commitments of such funds as the director shall specify in the agreements. Any such written agreement or commitment when executed by the director and accepted by a public transportation entity shall be solely conditioned upon actual funds available in the Department of Transportation Public Transportation Development Fund and shall be valid, binding and irrevocable in accordance with its terms.

(2) The department may utilize moneys in the fund to purchase or lease new or rebuilt buses and other public transportation equipment, to purchase real estate or to purchase, lease or construct facilities for future sale to public transportation entities either for cash or by installment contract, but no installment contract shall be for more than five years and the balance shall bear interest at a rate indicated by the monthly earnings of the Oregon Short Term Investment Fund.

(3) The department may take title to and delivery of buses, other public transportation equipment or facilities acquired or built pursuant to this program for eventual transfer to public transportation entities.

(4) The department may from the amount appropriated to the Department of Transportation Public Transportation Development

Fund deduct its costs of developing projects and administering the program authorized by this section and ORS 184.730.

(5) All moneys received by the department from the sale of buses, other public transportation equipment, real estate or facilities shall be placed in the Department of Transportation Public Transportation Development Fund and subject to budgetary limitations, may be used for the acquisition of additional transportation equipment or facilities. [1981 c.224 §§5,6,7; 1989 c.867 §3; 1991 c.752 §14g; 1995 c.79 §66]

### (Safe Routes to Schools)

#### 184.740 Safe Routes to Schools Fund.

(1) The Safe Routes to Schools Fund is established separate and distinct from the General Fund. Interest earned by the Safe Routes to Schools Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Transportation to implement a safe routes to schools program as described in ORS 184.741 and to fund projects described in ORS 184.742.

(2) The department may apply for, accept, receive and disburse gifts, grants, donations and other moneys from the federal government or from any other source to carry out a safe routes to schools program. Moneys received by the department under this subsection shall be deposited in the Safe Routes to Schools Fund.

(3) The department, in consultation with the Transportation Safety Committee, may award grants from the Safe Routes to Schools Fund to applicants who comply with criteria adopted by the department under ORS 184.741 or who qualify under ORS 184.742. [2005 c.484 §1; 2017 c.750 §124]

**184.741 Safe routes to schools program; rules.** (1) The Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a safe routes to schools program to assist communities in identifying and reducing barriers and hazards to children walking or bicycling to and from school.

(2) The department may provide the following kinds of assistance:

- (a) Grants;
- (b) Technical services and advice;
- (c) Public information and education; and
- (d) Evaluation and measurement of community programs.

(3) If the department awards grants under this section:

(a) The department shall award grants for all of the following:

- (A) Education;
- (B) Engineering; and
- (C) Enforcement;

(b) No one grant is required to include moneys for all the components specified in paragraph (a) of this subsection; and

(c) The department shall adopt rules specifying criteria that will be used in awarding grants.

(4) A city, county or school district that has developed or is preparing to develop a plan described in ORS 195.115 to reduce barriers and hazards to children walking or bicycling to and from school may apply to the department for assistance in developing or carrying out the plan. [2005 c.484 §2]

**184.742 Matching grant program; rules.** (1) The Oregon Transportation Commission may provide matching grants under this section for safety improvement projects near schools.

(2) To qualify for a matching grant an applicant shall:

(a) Demonstrate that a project fits within the applicable plan developed pursuant to ORS 195.115;

(b) Provide a cash match of at least 40 percent of the project's costs; and

(c) Provide any other information required by the commission.

(3) Notwithstanding subsection (2) of this section, the commission may reduce the amount the applicant must provide for a cash match. An applicant providing a reduced cash match shall provide at least 20 percent of the project's costs. This subsection applies if:

(a) The school is located in a city with a population of 5,000 or fewer;

(b) The project reduces hazards within a safety corridor, as defined by the commission by rule; or

(c) The school site qualifies for assistance under Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.

(4) The commission shall prioritize the expenditure of funds as authorized under this section for projects that are located within a one-mile radius of a school that serves students in prekindergarten, kindergarten or grades 1 through 8, or any combination of those grade levels, or a school that serves students in kindergarten through grade 12.

(5) The matching grants shall be used to reduce barriers and hazards to children walking or bicycling to and from school, including but not limited to safety improvement projects that:

- (a) Improve sidewalks;
  - (b) Reduce vehicle speeds;
  - (c) Improve pedestrian and bicycle crossings; or
  - (d) Create or improve bicycle lanes.
- (6) The commission may adopt rules specifying the application process and the selection criteria that will be used in awarding matching grants. [2017 c.750 §123]

**(Day-Use Parking Passes for State Parks)**

**184.745 Website information on purchase of state park day-use passes.** The Department of Transportation and the State Parks and Recreation Department shall work together to add a link from the Department of Transportation website to a State Parks and Recreation Department webpage that provides information about how to purchase day-use parking passes. [2015 c.54 §1]

**184.746 Duties of State Parks and Recreation Department.** (1) As used in this section, “state agency” means any officer, board, commission, department, division or institution in the executive branch of state government.

(2) The State Parks and Recreation Department shall coordinate with the Department of Transportation to make informational brochures, applications and other materials about how to purchase day-use parking passes available at any field office of the Department of Transportation where applications for driver licenses or vehicle registrations are accepted.

(3) The State Parks and Recreation Department shall also coordinate with other state agencies to provide website links, informational brochures, applications and other materials about how to purchase day-use parking passes. [2015 c.54 §2]

**184.750** [1971 c.319 §1; 1977 c.267 §1; 1977 c.661 §3; 1981 c.784 §19; 1985 c.740 §11; 1987 c.320 §144; 1989 c.116 §1; 1991 c.122 §6; 1991 c.402 §4; renumbered 409.010 in 1991]

**(Public Transportation Service Providers)**

**184.751 Statewide Transportation Improvement Fund.** (1) The Statewide Transportation Improvement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Statewide Transportation Improvement Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Transportation to finance investments and improvements in public transportation services, except that the moneys may not be used for light rail.

(2) The Statewide Transportation Improvement Fund consists of:

(a) All moneys received from the tax imposed under ORS 320.550;

(b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly; and

(c) Other moneys deposited in the fund from any source. [2017 c.750 §122L]

**184.752 Definitions.** As used in ORS 184.752 to 184.766:

(1) “Public transportation service provider” includes a qualified entity and a city, county, special district, intergovernmental entity or any other political subdivision or municipal or public corporation that provides public transportation services and is not otherwise described in subsection (2) of this section.

(2) “Qualified entity” means the following:

(a) Counties in which no part of a mass transit district or transportation district exists;

(b) Mass transit districts organized under ORS 267.010 to 267.390;

(c) Transportation districts organized under ORS 267.510 to 267.650; and

(d) Federally recognized Indian tribes. [2017 c.750 §122m]

**Note:** 184.752 becomes operative January 1, 2019. See section 122r, chapter 750, Oregon Laws 2017.

**184.755** [1971 c.319 §2; 1977 c.267 §2; renumbered 409.100 in 1991]

**184.757** [1985 c.740 §2; 1987 c.60 §1; 1989 c.224 §12; 1989 c.834 §10; renumbered 409.410 in 1991]

**184.758 Distribution of moneys from Statewide Transportation Improvement Fund; rules.** (1) The Oregon Transportation Commission shall distribute the moneys in the Statewide Transportation Improvement Fund established under ORS 184.751 as follows:

(a) Conditioned upon the commission’s approval of a public transportation improvement plan, 90 percent to qualified entities;

(b) Five percent to public transportation service providers based on a competitive grant program adopted by the commission by rule;

(c) Four percent to public transportation service providers to provide funding assistance to cover the costs of improving public transportation services between two or more communities; and

(d) One percent to the Department of Transportation to establish a statewide public transportation technical resource center, the purpose of which is to assist public transportation service providers in rural areas with training, transportation planning and information technology.

(2) For purposes of the percentage distributions under subsection (1)(a) of this section:

(a) Each distribution must be in such shares that the amount of tax paid, as required under ORS 320.550, in the area of each qualified entity bears to the total amount of the tax paid statewide, provided that each qualified entity receives an annual amount of at least \$100,000.

(b) Each public transportation service provider that receives funding under this section shall receive at least a share that the amount of the tax paid, as required under ORS 320.550, in the area served by the provider bears to the amount of tax paid in the area of the respective qualified entity in which the public transportation service provider provides services.

(c) If more than one mass transit district or transportation district is located within a single county, the commission shall distribute the moneys to the larger district.

(3) The commission shall adopt by rule:

(a) A competitive grant program, by which a public transportation service provider may apply for a percentage distribution under subsection (1)(b) of this section, and the terms and conditions of grants.

(b) A competitive grant program, by which a public transportation service provider may apply for a percentage distribution under subsection (1)(c) of this section, and the terms and conditions of grants.

(c) A process to review and approve a public transportation improvement plan submitted under subsection (4) of this section.

(d) Procedures for appealing a rejection of a public transportation improvement plan submitted under subsection (4) of this section.

(e) Any other provisions or procedures that are necessary for the commission to carry out the provisions of ORS 184.758 to 184.766.

(4) To be eligible to receive a percentage distribution under subsection (1)(a) of this section, a qualified entity shall prepare and submit a public transportation improvement plan to the commission. The commission must approve the plan submitted by the qualified entity before the commission may make a percentage distribution to the qualified entity.

(5) At a minimum, a public transportation improvement plan submitted under this section must include:

(a) For each proposed project, the amount of moneys from the percentage distribution that would be allocated to the project to fund the following:

(A) Increased frequency of bus service schedules in communities with a high percentage of low-income households;

(B) Procurement of buses that are powered by natural gas or electricity for use in areas with a population of 200,000 or more;

(C) Implementation of programs to reduce fares for public transportation in communities with a high percentage of low-income households;

(D) Expansion of bus routes and bus services to reach communities with a high percentage of low-income households;

(E) Improvement in the frequency and reliability of service connections between communities inside and outside of the qualified entity's service area; and

(F) Coordination between public transportation service providers to reduce fragmentation in the provision of transportation services;

(b) For the current fiscal year, a summary of any plans and project proposals approved by an advisory committee under ORS 184.761; and

(c) If a qualified entity was a recipient of a percentage distribution in the preceding fiscal year, the amount of moneys received from the distribution that were allocated to a project for the purposes described under paragraph (a) of this subsection.

(6) After the commission makes a distribution under subsection (1) of this section, qualified entities may enter into intergovernmental agreements under ORS chapter 190 to combine the moneys received for public transportation improvements.

(7) If the commission rejects a public transportation improvement plan or a grant application submitted under this section, the commission shall notify the entity or provider in writing and state the reasons for the rejection.

(8) The Department of Transportation shall make all grant applications submitted under this section available to the public. [2017 c.750 §122n]

**Note:** 184.758 becomes operative January 1, 2019. See section 122r, chapter 750, Oregon Laws 2017.

**184.759** [1985 c.740 §3; 1987 c.60 §2; renumbered 409.420 in 1991]

**184.760** [1971 c.319 §3; 1977 c.267 §8; renumbered 409.130 in 1991]

**184.761 Review process; advisory committees; rules.** (1) The governing body of each qualified entity shall appoint an advisory committee to advise and assist the governing body in prioritizing plans or projects to be funded from the moneys received from a percentage distribution under ORS 184.758 to public transportation service providers



that provide services within the jurisdiction of the qualified entity.

(2) Before receiving funding for a project under ORS 184.758, a public transportation service provider that provides services within the jurisdiction of a qualified entity shall submit a plan or project proposal to the governing body of the qualified entity and receive the advisory committee's approval of the plan or project proposal. The plans or project proposals submitted under this subsection must describe how the funds would be used.

(3) An advisory committee appointed under this section shall review every plan or project proposal required under subsection (2) of this section and may propose any changes to the policies or practices of the governing body that the advisory committee considers necessary to ensure that:

(a) A public transportation service provider that has received funding under ORS 184.758 has applied the moneys received in accordance with and for the purposes described in the provider's plan or project proposal; and

(b) A plan or project proposal submitted by a public transportation service provider does not fragment the provision of public transportation services.

(4) The Oregon Transportation Commission shall adopt by rule:

(a) Requirements for the composition of an advisory committee appointed under this section;

(b) Criteria that must be included in a plan or project proposal required under subsection (2) of this section; and

(c) A process by which an advisory committee shall review and approve a plan or project proposal. [2017 c.750 §122o]

**Note:** 184.761 becomes operative January 1, 2019. See section 122r, chapter 750, Oregon Laws 2017.

**184.765** [Formerly 176.630; 1977 c.267 §10; renumbered 409.150 in 1991]

**184.766 Qualified entities; reports.** Every qualified entity shall submit the following to the Department of Transportation no later than 30 days prior to the end of the fiscal year in which the qualified entity receives a percentage distribution under ORS 184.758:

(1) A report on any actions taken by a public transportation service provider located within the area of a qualified entity to mitigate the impact of the tax imposed under ORS 320.550 on passengers who reside in low-income communities;

(2) The adopted annual budget for the upcoming fiscal year; and

(3) The results of any audits of the qualified entity or of a public transportation service provider located within the area of the qualified entity as required by a local, state or federal oversight agency for purposes of statewide reporting including, but not limited to:

(a) The state financial report required under ORS 291.040;

(b) The results of any comprehensive review completed by the Federal Transit Administration; and

(c) Any information submitted by the qualified entity as a part of the requirements of a statewide audit in accordance with the federal Single Audit Act of 1984 (31 U.S.C. 7501 to 7507), as amended by the Single Audit Act Amendments of 1996 (P.L. 104-156). [2017 c.750 §122p]

**Note:** 184.766 becomes operative January 1, 2019. See section 122r, chapter 750, Oregon Laws 2017.

**184.767** [1977 c.267 §9; 1979 c.468 §28; renumbered 409.140 in 1991]

**184.770** [1971 c.319 §5; 1977 c.267 §12; renumbered 409.110 in 1991]

**184.773** [1977 c.267 §7; renumbered 409.120 in 1991]

**184.775** [1971 c.319 §6; 1977 c.267 §13; renumbered 409.160 in 1991]

**184.780** [1971 c.319 §9; subsection (2) enacted as 1977 c.267 §22; 1987 c.660 §16a; renumbered 409.040 in 1991]

**184.785** [1975 c.458 §§7,16; 1989 c.633 §5; renumbered 409.020 in 1991]

**184.787** [1977 c.267 §4; renumbered 409.050 in 1991]

**184.790** [1975 c.768 §§1,2; 1977 c.661 §4; renumbered 184.865]

**184.795** [1977 c.267 §14; renumbered 409.060 in 1991]

**184.800** [1977 c.267 §15; renumbered 409.070 in 1991]

**184.801** [1989 c.370 §1; renumbered 409.750 in 1991]

**184.802** [1985 c.211 §1; 1989 c.224 §13; 1989 c.370 §2; 1991 c.739 §21; renumbered 458.505 in 1991]

**184.803** [1987 c.522 §2; 1989 c.966 §4; 1991 c.739 §22; renumbered 458.510 in 1991]

**184.804** [1987 c.522 §3; 1989 c.224 §14; 1991 c.739 §23; renumbered 458.515 in 1991]

**184.805** [1971 c.401 §1; 1973 c.641 §1; 1989 c.834 §11; 1991 c.122 §7; renumbered 409.210 in 1991]

**184.807** [1983 c.588 §1; renumbered 409.220 in 1991]

**184.810** [1971 c.774 §15; 1989 c.51 §1; renumbered 409.250 in 1991]

**184.815** [1971 c.774 §14; 1989 c.50 §1; renumbered 409.260 in 1991]

**184.820** [1989 c.50 §2; renumbered 409.240 in 1991]

**184.830** [1971 c.650 §1; 1975 c.730 §1; 1977 c.267 §16; renumbered 409.310 in 1991]

**184.835** [1971 c.650 §3; 1975 c.730 §2; 1985 c.565 §22; renumbered 409.330 in 1991]

**184.840** [1971 c.650 §4; 1975 c.730 §3; renumbered 409.320 in 1991]

### **(Road User Fee Task Force and Program)**

**184.841 Legislative findings.** The Legislative Assembly finds that:

(1) An efficient transportation system is critical for Oregon's economy and quality of life.

(2) The revenues currently available for highways and local roads are inadequate to preserve and maintain existing infrastructure and to provide funds for improvements that would reduce congestion and improve service.

(3) The gas tax will become a less effective mechanism for meeting Oregon's long-term revenue needs because:

(a) It will steadily generate less revenue as cars become more fuel-efficient and alternative sources of fuel are identified; and

(b) Bundling fees for roads and highways into the gas tax makes it difficult for users to understand the amount they are paying for roads and highways. [2001 c.862 §1]

**184.843 Road User Fee Task Force; members; duties; terms; reports.** (1) There is created the Road User Fee Task Force.

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

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

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

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

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

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

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

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

(4)(a) The term of a legislator appointed to the task force is four years except that the

legislator ceases to be a member of the task force when the legislator ceases to be a legislator. A legislator may be reappointed to the task force.

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

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

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

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

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

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

(8) When the task force is studying alternatives to the current system of taxing highway use through motor vehicle fuel taxes and developing recommendations on the design of pilot programs to test alternative approaches under subsection (7) of this section, the task force shall:

(a) Take into consideration the availability, adaptability, reliability and security of methods that might be used in recording and reporting highway use.

(b) Take into consideration the protection of any personally identifiable information used in reporting highway use.

(c) Take into consideration the ease and cost of recording and reporting highway use.

(d) Take into consideration the ease and cost of administering the collection of taxes and fees as an alternative to the current system of taxing highway use through motor vehicle fuel taxes.

(e) Take into consideration effective methods of maintaining compliance.

(f) Consult with highway users and transportation stakeholders, including representatives of vehicle users, vehicle manufacturers and fuel distributors.

(9) The task force shall report to each odd-numbered year regular session of the Legislative Assembly on the work of the task force, the department and the commission in designing, implementing and evaluating pilot programs.

(10) Official action by the task force requires the approval of a majority of the members of the task force.

(11) Notwithstanding ORS 171.130 and 171.133, the task force by official action may recommend legislation. Legislation recommended by the task force must indicate that it is introduced at the request of the task force. Legislative measures proposed by the task force shall be prepared in time for pre-session filing with the Legislative Counsel by December 15 of an even-numbered year. [2001 c.862 §2; 2011 c.470 §7; 2011 c.545 §2; 2011 c.629 §1]

**184.846 Pilot programs; fees; rules.** (1) The Department of Transportation may develop one or more pilot programs to test alternatives to the current system of taxing highway use through motor vehicle fuel taxes. Pilot programs may include, but need not be limited to, programs testing technology and methods for:

(a) Identifying vehicles;

(b) Collecting and reporting the number of miles traveled by a particular vehicle; and

(c) Receiving payments from participants in pilot projects.

(2) Technology and methods tested under subsection (1) of this section shall be tested for:

(a) Reliability;

(b) Ease of use;

(c) Public acceptance;

(d) Cost of implementation and administration; and

(e) Potential for evasion of accurate reporting.

(3) The department may solicit volunteers for participation in pilot programs developed under this section. A participant must:

(a) Report the participant's use of the highway system in Oregon as required by the program;

(b) Pay the fee established for the program for use of the highway system; and

(c) Display in the participant's vehicle an emblem issued under subsection (6) of this section.

(4) The department shall establish a fee for each pilot program the department undertakes. The fee shall be a highway use fee and shall be paid by each participant in the program. The program may be designed so that the fee is imposed in lieu of any tax on motor vehicle fuel imposed under ORS 319.020 or any tax on the use of fuel in a vehicle under ORS 319.530 that would otherwise be paid by the participant.

(5) If a person who participates in a pilot program under this section pays the motor vehicle fuel tax under ORS 319.020, the department may refund the taxes paid.

(6) The department shall issue an emblem for each vehicle that will be used by a participant as part of a pilot program under this section. A seller of fuel for use in a motor vehicle may not collect the tax that would otherwise be due under ORS 319.530 from a person operating a vehicle for which an emblem has been issued under this subsection.

(7) If a person participating in a pilot program under this section ends the person's participation in the program prior to termination of the program, the person shall pay to the department any amount of the highway use fee established for the program under subsection (4) of this section that the person has not yet paid. The person shall return to the department any emblem issued to the person under subsection (6) of this section.

(8) The department may terminate a pilot program at any time and may terminate participation by any particular person at any time. When a program is terminated or a person's participation is terminated by the department, the department shall collect any unpaid highway use fees established for the program under subsection (4) of this section.

(9) The department may adopt any rules the department deems necessary for the implementation of this section, including but not limited to rules establishing methods of collecting highway use fees from program participants and rules establishing reporting requirements for participants.

(10) The department may compensate participants in pilot programs established under this section.

(11) In designing, implementing and evaluating pilot programs under this section, the department shall consider the recommendations of the task force created by ORS 184.843. [2001 c.862 §3]

**184.850 Variable pilot program fees.**

The Department of Transportation may vary any fee established under ORS 184.846 to facilitate the maximum use of road capacity. [2003 c.618 §43]

**184.853 Moneys for task force and programs.** (1) The department may use moneys in the State Highway Fund for financing activities required to support the task force created by ORS 184.843 and the pilot programs established under ORS 184.846.

(2) The department may solicit and accept grants and assistance from the United States Government and its agencies and from any other source, public or private.

(3) The department may accept gifts or donations of equipment necessary to carry out research and pilot programs under ORS 184.843 and 184.846. [2001 c.862 §4]

**184.860** [1977 c.661 §1; repealed 1981 c.784 §38]

**184.865** [Formerly 184.790; 1981 c.163 §1; 1981 c.784 §20; renumbered 410.090]

**(Workforce Development)**

**184.866 Highway construction workforce development.** (1) Of the federal funds received each biennium by the Department of Transportation pursuant to 23 U.S.C. 140(b), the department shall expend one-half of one percent up to an amount of \$2.1 million to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce by conducting the activities described in subsection (3) of this section.

(2) Nothing in subsection (1) of this section prohibits the department from expending moneys from sources other than those specified in subsection (1) of this section for the activities described in subsection (3) of this section.

(3) The department shall use the federal funds specified in subsection (1) of this section to provide:

(a) Preapprenticeship programs;

(b) Preemployment counseling;

(c) Orientations on the highway construction industry;

(d) Basic skills improvement classes;

(e) Career counseling;

(f) Remedial training;

(g) Entry requirements for training programs;

(h) Supportive services and assistance with transportation;

(i) Child care and other special needs; and

(j) Job site mentoring and retention services.

(4) The department shall submit a report to the Legislative Assembly no later than December 1 of each even-numbered year. The report shall contain:

(a) An analysis of the results of the department's activities described in subsection (3) of this section; and

(b) A description of:

(A) The amount available to the department from federal funds for the activities described in subsection (3) of this section and the amount expended by the department for those activities; and

(B) The performance outcomes achieved from each activity including the numbers of persons receiving services, training and employment. [2009 c.822 §1; 2011 c.445 §1; 2013 c.673 §1]

**184.870** [1977 c.779 §3; renumbered 443.205]

**184.875** [1977 c.779 §1; renumbered 443.215]

**184.880** [1977 c.779 §2; 1979 c.235 §1; renumbered 443.225]

**184.883** [Subsection (1) of 1987 Edition enacted as 1987 c.781 §1; subsection (2) of 1987 Edition enacted as 1987 c.780 §2; renumbered 409.710 in 1991]

**184.885** [1977 c.846 §1; 1981 c.357 §2; renumbered 108.610]

**(Design Practices)**

**184.886 Transportation design practices.** The Department of Transportation shall implement transportation design practices that follow the concept of practical design. Practical design standards should incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility. [2009 c.865 §19]

**(Statewide Transportation Strategy on Greenhouse Gas Emissions)**

**184.888 "Metropolitan planning organization" defined.** As used in ORS 184.617, 184.893, 184.895, 184.897 and 184.899, "metropolitan planning organization" has the meaning given that term in ORS 197.629. [2010 c.85 §1; 2017 c.750 §28a]

**184.889** [2010 c.85 §2; repealed by 2017 c.750 §140]

**184.890** [1977 c.846 §2; 1981 c.357 §3; renumbered 108.620]

**184.891 Agency authority to regulate air contaminants.** ORS 184.617 does not limit the authority of an agency, as defined in ORS 183.310, to regulate air contaminants. [2010 c.85 §10; 2017 c.750 §28b]

**184.893 Alternative land use and transportation scenario guidelines.** (1) The Department of Transportation and the Department of Land Conservation and Development, after consultation with and in cooperation with metropolitan planning organizations, other state agencies, local governments and stakeholders, shall establish guidelines for developing and evaluating alternative land use and transportation scenarios that may reduce greenhouse gas emissions. The guidelines must, at a minimum:

(a) Establish a process for developing alternative land use and transportation scenarios;

(b) Take into account the full range of actions local governments may take concerning land use and transportation planning;

(c) Allow sufficient flexibility for different local governments to meet the needs of their individual communities;

(d) Provide for coordination between state agencies and local governments;

(e) Encourage local innovation to reduce greenhouse gas emissions; and

(f) Provide examples of alternative land use and transportation scenarios.

(2) The Department of Transportation and the Department of Land Conservation and Development shall actively solicit public review and comment in the development of the guidelines. [2010 c.85 §3]

**184.895 Development of toolkit used to reduce greenhouse gas emissions.** (1) The Department of Transportation and the Department of Land Conservation and Development, after consultation with and in cooperation with metropolitan planning organizations, local governments and other stakeholders, shall establish a toolkit to assist local governments in developing and executing actions and programs to reduce greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.

(2) A toolkit shall include, but is not limited to, the following material:

(a) Information about actions and programs local governments can implement on the local and regional level to reduce greenhouse gas emissions;

(b) Information about the potential effectiveness of the actions and programs in reducing greenhouse gas emissions;

(c) Information about the cost-effectiveness of the actions and programs;

(d) Estimates of the time required to implement the actions and programs;

(e) Guidelines for best management practices for analyzing and executing the actions and programs;

(f) Modeling and analysis tools that metropolitan planning organizations and local governments may use to assess greenhouse gas emissions reduction benefits from actions affecting land use and transportation; and

(g) Educational tools that metropolitan planning organizations and local governments may use to inform the public about greenhouse gas emissions reduction targets and strategies.

(3) The Department of Transportation and the Department of Land Conservation and Development shall actively solicit public review and comment in the development of the toolkit. [2010 c.85 §4]

**184.897 Education on reducing greenhouse gas emissions.** The Department of Transportation and the Department of Land Conservation and Development, after consultation with and in cooperation with other state agencies, shall:

(1) Educate the public about the need to reduce greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000 pounds or less; and

(2) Educate the public about the costs and benefits of reducing greenhouse gas emissions. [2010 c.85 §6; 2015 c.767 §55]

**184.899 Regional transportation plans.** (1) As used in this section, “regional transportation plan” means a long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.

(2) Except as provided in subsection (3) of this section, the local governments within the boundaries of a metropolitan planning organization, after consultation with and in cooperation with the metropolitan planning organization and state agencies, shall:

(a) Consider whether any immediate action can be taken to reduce greenhouse gas emissions.

(b) Consider how regional transportation plans could be altered to reduce greenhouse gas emissions.

(3) Subsection (2) of this section does not apply to the metropolitan planning organization that serves Portland or to the local governments within that metropolitan planning organization. [2010 c.85 §7]

**184.900** [1975 c.768 §3; 1977 c.661 §2; 1981 c.784 §17; renumbered 410.320]

**184.905** [1975 c.768 §4; 1977 c.891 §7; renumbered 410.330]

**184.910** [1975 c.768 §5; renumbered 410.340]

**184.915** [1975 c.768 §§6,7; repealed by 1977 c.661 §5]

**184.940** [1977 c.81 §5; renumbered 185.570]

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