

Chapter 184

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Administrative Services and Transportation Departments

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

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

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

184.020 [1967 c.397 s.14; 1973 c.691 s.5; 1975 c.225 s.4; repealed by 1975 c.605 s.33]

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

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

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

- 184.050** [Formerly 184.220; 1973 c.691 s.8; 1983 c.197 s.10; renumbered 285.115 in 1991]
- 184.105** [1963 c.580 s.17; 1967 c.397 s.2; 1969 c.80 s.14; 1971 c.57 s.2; 1973 c.691 s.10; renumbered 184.001]
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- 184.125** [1963 c.580 s.18; 1967 c.397 s.4; 1969 c.80 s.16; 1971 c.57 s.3; 1973 c.691 s.11; 1979 c.182 s.6; 1983 c.197 s.11; 1985 c.70 s.5; 1987 c.168 s.20; 1989 c.339 s.1; 1989 c.908 s.23; 1991 c.95 s.1; renumbered 285.035 in 1991]
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- 184.140** [1957 c.624 s.4; 1969 c.80 s.19; 1971 c.57 s.6; repealed by 1973 c.691 s.21]
- 184.150** [1957 c.624 s.5; 1967 c.397 s.11; renumbered 184.010]
- 184.160** [1957 c.624 s.6; 1969 c.80 s.20; 1973 c.691 s.14; 1979 c.182 s.7; 1981 c.316 s.1; 1983 c.197 s.14; 1985 c.70 s.3; 1987 c.562 s.8; 1987 c.775 s.6; 1989 c.908 s.25; 1991 c.149 s.1; renumbered 285.050 in 1991]
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- 184.195** [1961 c.315 ss.1,2,3; 1967 c.397 s.12; renumbered 184.040]
- 184.196** [1967 c.397 s.8; 1969 c.80 s.24; repealed by 1973 c.691 s.21]
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- 184.200** [1957 c.624 s.10; 1967 c.397 s.6; 1969 c.80 s.25; repealed by 1971 c.57 s.11]
- 184.202** [1989 c.533 s.1; renumbered 285.095 in 1991]
- 184.210** [1959 c.660 s.17; 1969 c.80 s.26; 1973 c.691 s.18; repealed 1981 c.68 s.1]
- 184.215** [1981 c.653 s.7; renumbered 285.105 in 1991]
- 184.220** [1965 c.597 s.3; 1967 c.397 s.13; renumbered 184.050]
- 184.225** [1985 c.778 s.1; 1987 c.836 s.1; 1989 c.851 s.1; 1989 c.1015 s.23a; renumbered 285.120 in 1991]

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

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

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

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

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

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

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

OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES

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 through the provision of:

- (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 the implementation of 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;
- (7) Statewide financial administrative systems; and
- (8) Statewide information systems and networks to facilitate the reliable exchange of information and applied technology. [1969 c.80 s.1 (1), (2), (3); 1971 c.57 s.9; 1993 c.18 s.32; 1993 c.500 s.2]

184.310 [1965 c.299 s.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 s.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

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 department, with the approval of the Governor, may make reasonable rules and regulations that are necessary or proper for the administration of the laws that the department is charged with administering. [Formerly 291.013]

184.345 Oregon Department of Administrative Services to provide services to certain agencies on reimbursable basis. (1) The Oregon Department of Administrative Services shall provide on a reimbursable basis administrative and other services, as agreed to, to:

- (a) The Department of Corrections;
- (b) The Mental Health and Developmental Disability Services Division; and
- (c) The State Board of Education.

(2) In addition to its duties under subsection (1) of this section, the Oregon Department of Administrative Services shall provide clerical support to the Energy Facility Siting Council. [1969 c.597 s.268; 1987 c.320 s.143; 1995 c.551 s.9; 1999 c.59 s.41]

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. [1995 c.420 s.12]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

184.575 [1971 c.753 s.1; renumbered 670.275]

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

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

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

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

DEPARTMENT OF TRANSPORTATION

(Generally)

184.610 Definitions for ORS 184.610 to 184.666. As used in ORS 184.610 to 184.666, 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) “Highway Construction Plan” or “plan” means the plan described in ORS 184.658.

(5) “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 184.618 and with metropolitan plans; and

(c) Can be implemented with resources reasonably expected to be available. [1969 c.599 s.1; 1973 c.249 s.1; 1999

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. 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 shall belong to one political party. Party affiliation shall be determined by the appropriate entry on official election registration cards.

(2) 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.

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

184.613 Officers; quorum; meetings; effect of vacancy; seal. (1) The Governor shall appoint one of the commissioners as chairperson, and another 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.

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

(3) The commission shall meet at least once a month, 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.

(4) No vacancy shall impair the right of the remaining commissioners 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 commissioners are unable to agree the Governor shall have the right to vote as a member of the commission.

(5) The commission may provide an official seal. [1973 c.249 ss.4,9; 1979 c.293 s.1]

184.615 Department of Transportation; organization; duties; director; managers. (1) The Department of Transportation is established.

(2) The Department of Transportation shall consist of the Director of Transportation and all personnel employed in the department. Except as otherwise provided in subsections (4) and (5) of this section, for purposes of administration, subject to the approval of the Oregon Transportation Commission, the director may organize and reorganize the department as the director considers necessary to properly conduct the work of the department.

(3) The department shall carry out policies adopted by the 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, public transit, transportation safety and the Oregon Board of Maritime Pilots.

(4) The director shall appoint a manager for each area of critical concern to the department. The manager shall be responsible for planning and operations in that area, for relationships between the department and persons affected by the operations of the area, for advocacy of the area within the department planning and operations processes and for such other duties as may be provided by law. For purposes of this subsection, "area of critical concern" includes, but is not necessarily limited to, driver and motor vehicle services, highways, public transit, transportation safety and maritime pilotage. In appointing managers under this subsection, the director shall consider recommendations of any advisory committee interested in the area of responsibility.

(5) Whenever a duty or function is specifically given by statute to the director, and that duty or function involves day-to-day operations of an area of critical concern to the department, the director shall delegate the duty or function to the manager of the area of critical concern. [1969 c.599 s.2; 1973 c.249 s.15; 1975 c.371 s.5; 1979 c.186 s.4; subsection (4) enacted as 1981 c.700 s.2; 1983 c.324 s.13; 1987 c.414 s.88; 1989 c.904 s.28; 1991 c.453 s.1; 1993 c.741 s.3; 1999 c.935 s.15]

Note: The amendments to 184.615 by section 15, chapter 935, Oregon Laws 1999, become operative July 1, 2000. See section 41, chapter 935, Oregon Laws 1999. The text that is operative until July 1, 2000, is set forth for the user's

convenience.

184.615. (1) The Department of Transportation is established.

(2) The Department of Transportation shall consist of the Director of Transportation and all personnel employed in the department. Except as otherwise provided in subsections (4) and (5) of this section, for purposes of administration, subject to the approval of the Oregon Transportation Commission, the director may organize and reorganize the department as the director considers necessary to properly conduct the work of the department.

(3) The department shall carry out policies adopted by the commission and all duties and responsibilities vested in it by law including, but not necessarily limited to, duties and responsibilities concerning aeronautics, drivers and motor vehicles, highways, public transit, transportation safety and the Oregon Board of Maritime Pilots.

(4) The director shall appoint a manager for each area of critical concern to the department. The manager shall be responsible for planning and operations in that area, for relationships between the department and persons affected by the operations of the area, for advocacy of the area within the department planning and operations processes and for such other duties as may be provided by law. For purposes of this subsection, "area of critical concern" includes, but is not necessarily limited to, aeronautics, driver and motor vehicle services, highways, public transit, transportation safety and maritime pilotage. In appointing managers under this subsection, the director shall consider recommendations of any advisory committee interested in the area of responsibility.

(5) Whenever a duty or function is specifically given by statute to the director, and that duty or function involves day-to-day operations of an area of critical concern to the department, the director shall delegate the duty or function to the manager of the area of critical concern.

Note: Section 3, chapter 1072, Oregon Laws 1999, provides:

Sec. 3. The Department of Transportation shall begin a study on the construction of an extension of Interstate 82 south from Umatilla to the California or Nevada border. The department shall make a report to the Seventy-first Legislative Assembly that includes the status and results of the study. [1999 c.1072 s.3]

184.616 Department powers given commission; service of summons. (1) Notwithstanding any other provisions of law, the Oregon Transportation Commission has the power to adopt any rules, establish any policy or exercise any other duty, function or power where a statute gives such power to the Department of Transportation.

(2) Where service of summons or other process is required by statute to be served on the Director of the Department of Transportation, the Department of Transportation or the Oregon Transportation Commission, such service shall be made upon the office of the director. [1979 c.186 ss.2,3]

184.617 Functions of commission and department. (1) It is the function of the Oregon Transportation Commission to 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 184.666. In addition, the commission shall perform any other duty vested in it by law.

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

(3) The commission shall have general power to coordinate and administer programs relating to highways, motor vehicles, public transit, transportation safety and such other programs related to transportation as may be assigned by law to the department.

(4) The Department of Transportation 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. [1973 c.249 s.10; 1979 c.186 s.5; 1989 c.904 s.50; 1993 c.741 s.6; 1999 c.935 s.16]

Note: The amendments to 184.617 by section 16, chapter 935, Oregon Laws 1999, become operative July 1, 2000. See section 41, chapter 935, Oregon Laws 1999. The text that is operative until July 1, 2000, is set forth for the user's convenience.

184.617. (1) It is the function of the Oregon Transportation Commission to 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 184.647.

In addition, the commission shall perform any other duty vested in it by law.

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

(3) The commission shall have general power to coordinate and administer programs relating to aeronautics, highways, motor vehicles, public transit, transportation safety and such other programs related to transportation as may be assigned by law to the department.

(4) 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.

184.618 Duties of commission in preparing and implementing state transportation policy. (1) As its primary duty, the Oregon Transportation Commission shall develop and maintain a state transportation policy and a comprehensive, long-range plan for a safe, multimodal transportation system for the state which encompasses economic efficiency, orderly economic development and environmental quality. The plan shall include, but not be limited to, aviation, highways, mass transit, pipelines, ports, rails and waterways. The plan shall be used by all agencies and officers to guide and coordinate transportation activities and to insure transportation planning utilizes the potential of all existing and developing modes of transportation.

(2) As the plan is developed by the commission, the Director of Transportation shall prepare and submit to the commission for approval, implementation programs. Work approved by the commission to carry out the plan shall be assigned to the appropriate unit of the Department of Transportation.

(3) The director and members of the commission shall give safety, economic development and the provisions of industrial site services priority in fund allocation decisions. [1973 c.249 s.12; 1983 c.362 s.1; 1983 c.553 s.1; 1993 c.741 s.7; 1999 c.969 s.3]

184.619 Rulemaking authority; orders. In accordance with the applicable provisions of ORS 183.310 to 183.550, the Oregon Transportation Commission shall adopt such rules and orders as it considers necessary and proper in performing the functions vested by law in the commission. [1973 c.249 s.11; 1981 c.418 s.1]

184.620 Director of Transportation; confirmation; subordinates. (1) The Department of Transportation shall be under the supervision of a Director of Transportation who shall be appointed by and shall hold office at the pleasure of the Governor.

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

(b) Assistant directors as the director determines necessary to carry out the responsibilities of the department. The director may delegate to and assign to an assistant director any powers and responsibilities the director determines to be necessary. Assistant directors are in the unclassified services for purposes of the State Personnel Relations Law.

(c) 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. [1969 c.599 s.3; 1969 c.599 s.3a; 1973 c.249 s.16; 1979 c.186 s.6; 1999 c.686 s.1]

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, deputy directors or assistant 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 s.4; 1973 c.249 s.17; 1979 c.168 s.7; 1999 c.686 s.2]

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 s.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 s.5; 1973 c.249 s.19]

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 Economic and Community Development Department and the Ports Division to facilitate port planning and development;

(b) Promote local cooperation in statewide 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 s.3; 1999 c.935 s.18]

Note: The amendments to 184.632 by section 18, chapter 935, Oregon Laws 1999, become operative July 1, 2000. See section 41, chapter 935, Oregon Laws 1999. The text that is operative until July 1, 2000, is set forth for the user's convenience.

184.632. (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 may work to:

(a) Coordinate with the Economic Development Department and the Ports Division to facilitate port planning and development;

(b) Promote local cooperation in statewide 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.

184.633 Duties of director; delegation; bonds for employees; annual report; 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; and

(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.

(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) The director shall prepare and submit to the commission on or about December 31 of each year an annual report for the 12 months ending the prior June 30. The annual report shall set forth all that the department has done during the year. The report shall contain a statement of the parts of the state transportation system that were constructed, reconstructed or improved during the period, together with a statement showing in a general way the status of the state transportation system and of programs for educating and licensing drivers.

(6)(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.

(7) 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 (6) of this section. [1973 c.249 s.18; 1993 c.741 s.8; 1999 c.292 s.2]

184.634 Disposition of real property by department. 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 s.2; 1991 c.816 s.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 s.6; 1973 c.249 s.14; 1993 c.741 s.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 s.5; 1993 c.741 s.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 s.20; 1979 c.293 s.2; 1989 c.345 s.1; 1993 c.741 s.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 administration of the department. [1989 c.345 s.3; 1993 c.741 s.12]

184.639 Internal auditor. The Director of Transportation shall designate an internal auditor for the Department of Transportation who shall perform internal audits of the department and report findings to the director. [1989 c.345 s.4; 1993 c.741 s.13]

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 s.7; 1973 c.249 s.21; 1989 c.966 s.5; 1993 c.741 s.14]

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 ss.2,3; 1981 c.306 s.1; 1989 c.966 s.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 s.4; 1981 c.306 s.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 s.4; 1989 c.966 s.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.

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

(Accounting and Budgeting)

184.651 Cost accounting system; requirements. (1) 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:

- (a) Oregon Board of Maritime Pilots.
- (b) Central services.
- (c) Driver and motor vehicle services.
- (d) Highways.
- (e) Motor carriers.
- (f) Rail.
- (g) Transit.
- (h) Transportation development.
- (i) Transportation safety.

(2) In addition to meeting the requirements of subsection (1) of this section, the cost accounting system shall accurately account for all direct, indirect and administrative costs allocated to the department's products and services, whether the moneys spent are from state or federal sources. For each product or service, the system shall show separately the amount of payments made to outside contractors. For each product or service for which lane miles are a relevant measurement, the system shall show the cost per lane mile of the product or service. As used in this subsection, products and services include, but are not limited to, the following:

- (a) Bridges, which includes preservation of the bridges, tunnels and culverts on the state highway system.
- (b) Emergency relief, which includes repair, as needed, of damage caused by disasters.
- (c) Highway planning, which includes establishing long-range and short-range highway plans and designing and implementing highway plans with local governments.
- (d) Highway safety, which includes providing engineering solutions to accident problems on state and local highways. Accounting in this category shall also include information about the safety priority indexing system maintained by the department.
- (e) Maintenance, which includes keeping existing highways safe and usable for the traveling public through such means as repair, snow and ice removal, vegetation clearance, striping, signal repair and lighting.
- (f) Modernization, which includes improvements that add capacity to highways, including but not limited to new or widened lanes and new bypasses.
- (g) Operations, which includes improving the efficiency of existing highways through such means as traffic signaling systems, driver communication and ramp metering.
- (h) Payments to local governments, which includes payments to cities, counties and metropolitan planning organizations.
- (i) Preservation, which includes paving, striping and reconstruction designed to add useful life to existing highways.
- (j) Special programs, which includes but is not limited to bicycle and pedestrian facility projects, environmental services and salmon and watershed projects. [1999 c.936 s.2; 1999 c.936 s.5]

Note: Sections 3 and 4, chapter 936, Oregon Laws 1999, provide:

Sec. 3. (1) Until the cost accounting system required by section 2 of this 1999 Act [184.651] is fully implemented, the Department of Transportation shall provide a progress report at least quarterly to the Emergency Board or to any other legislative committee designated by the President of the Senate and the Speaker of the House of Representatives.

(2) The Department of Transportation shall investigate the implementation of an integrated financial management, reporting and control system. A report shall be presented to the Emergency Board no later than September 1, 2000. [1999 c.936 s.3]

Sec. 4. In developing the cost accounting system required by section 2 of this 1999 Act [184.651], the Department of Transportation shall consult with the Division of Audits of the office of the Secretary of State and the State Controller's Division of the Oregon Department of Administrative Services. [1999 c.936 s.4]

184.654 Short title. ORS 184.656 to 184.666 shall be known and may be cited as the "Transportation Spending Accountability Act." [1999 c.939 s.1]

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

184.656 Governor's program budget for department; requirements. (1) The Governor shall submit to the Legislative Assembly a proposed biennial program budget for the Department of Transportation that specifies how existing revenues from all sources will be spent in the following categories:

- (a) Aeronautics.
- (b) Oregon Board of Maritime Pilots.
- (c) Central services.
- (d) Driver and motor vehicle services.
- (e) Highways.
- (f) Motor carriers.
- (g) Rail.
- (h) Transit.
- (i) Transportation development.
- (j) Transportation safety.
- (k) Others, including:
 - (A) Capital construction.
 - (B) Capital improvements.
 - (C) Light rail debt service.
 - (D) Nonlimited.

(2) The budget presented for highways shall show projected expenditures in each of the following categories:

- (a) Bridges.
- (b) Emergency relief.
- (c) Highway planning.
- (d) Highway safety.
- (e) Maintenance.
- (f) Modernization, including but not limited to expenditures for reduction of accidents in areas that are known to have a high incidence of accidents.
- (g) Operations.
- (h) Payments to local governments.
- (i) Preservation.
- (j) Special programs, including but not limited to bicycle and pedestrian facilities.

(3) The budget shall be accompanied by the Highway Construction Plan described in ORS 184.658. [1999 c.939 s.4]

184.658 Highway Construction Plan; recommendations for spending additional revenues. (1) The Highway Construction Plan shall be developed by the Department of Transportation on a biennial basis to accompany the Governor's proposed budget for the department. The plan shall include a list of projects from the STIP that the department intends to work on in the biennium for which the budget is submitted. The plan shall also include a list of projects that the department intends to pursue in the biennium that are not yet in the STIP because they are in planning stages. Each project included in the plan shall be shown in one of the sections listed in subsection (3) of this section.

(2) For the categories of bridges, highway safety, modernization, operations and preservation, the plan shall include a description of specific projects to be funded, how much money will be spent on each and the anticipated year of completion. For the categories of emergency relief, highway planning, maintenance, payments to local governments and special programs, the plan shall include a description of programs to be funded and projected expenditures.

(3) The department shall divide the plan into four sections, and each project shall be shown in the appropriate

section. The sections shall be:

- (a) Projects under construction;
 - (b) Projects for which funding is committed for construction or implementation, with the expected date on which the contract will be awarded;
 - (c) Projects being developed for construction for which funding is committed; and
 - (d) Projects in preliminary or planning phases.
- (4) Projects shall be included in the plan only after a public process that includes consultation with cities, counties and metropolitan planning organizations.
- (5) Projects included in the plan shall be listed for each region designated by the department.
- (6) In accordance with the criteria and procedures described in this section, the plan shall be written by the department, approved by the Oregon Transportation Commission and reviewed by the Governor.
- (7) Nothing in this section prevents the plan and the STIP from being the same document, as long as the document meets the requirements of this section.
- (8) The Governor shall submit to the Legislative Assembly, with the plan, a document that provides a means to evaluate revenue proposals. The document shall show how the department would recommend spending additional revenue that might become available to the department, by showing the department's program priorities and a list of modernization needs. The document shall be based on increments in revenue equal to a one-cent increase in the motor vehicle fuel tax and equivalent increases in the weight-mile and related taxes. This subsection does not require the Governor or department to propose tax increases. [1999 c.939 s.5]

184.660 Budget bill for department; budget categories for highways. (1) Unless otherwise recommended by the Joint Committee on Ways and Means, a budget bill enacted by the Legislative Assembly for the Department of Transportation shall show appropriations or expenditure limitations for highways in the following categories:

- (a) Bridges.
 - (b) Emergency relief.
 - (c) Highway planning.
 - (d) Highway safety.
 - (e) Maintenance.
 - (f) Modernization.
 - (g) Operations.
 - (h) Payments to local governments.
 - (i) Preservation.
 - (j) Special programs, including but not limited to bicycle and pedestrian facilities.
- (2) The Legislative Assembly may not commit moneys to a project not listed in the Highway Construction Plan nor adjust individual project funds or project priorities. [1999 c.939 s.6]

184.662 Highway project spending; transfer of funds. (1) The Department of Transportation may only expend moneys for a highway project if the project is included in the Highway Construction Plan or if the department has provided notice to the Legislative Assembly of the project. When the Legislative Assembly is in session, notice shall be provided to the President of the Senate, the Speaker of the House of Representatives and the co-chairs of the Joint Committee on Ways and Means. When the Legislative Assembly is not in session, notice shall be provided to the Emergency Board.

(2) In an emergency, the department may transfer funds among expenditure limitation categories within the highway budget described in ORS 184.660 (1) without approval of the Legislative Assembly or the Emergency Board. The department shall notify the Legislative Assembly or the Emergency Board of the emergency and if the Legislative Assembly is not in session, shall report to the next meeting of the Emergency Board with a budget balancing proposal to fund the emergency activity.

(3) In situations other than those described in subsection (2) of this section, the department may transfer funds among expenditure limitation categories within the highway budget described in ORS 184.660 (1) without approval of the Legislative Assembly or the Emergency Board as long as the expenditure limitation for any one category is neither increased nor decreased by more than five percent in a biennium. [1999 c.939 s.7]

184.664 Status report for projects in Highway Construction Plan; notification of legislators. (1) The Department of Transportation shall create a concise status report for the Legislative Assembly of projects listed in the

Highway Construction Plan and in the previous status report. The department shall include all of the following in the status report:

- (a) An identification of each project, with enough specificity to enable readers of the report to know where the project is located and what the project will accomplish.
 - (b) An indication of the total amount of moneys the department anticipates will be spent to complete the project and the amount spent on the project as of the date of the status report.
 - (c) An indication that the project is on schedule, or an explanation if it is not on schedule.
 - (d) The expected year of completion for the project.
 - (e) An explanation of any change in priority of a project within the plan or the STIP since the previous status report was issued.
 - (f) An explanation of any amendments to the STIP that have been made since the previous status report was issued.
 - (g) An explanation of any changes to the adopted budget made by the Emergency Board since the previous status report was issued.
- (2) When a project has been completed or abandoned, that fact shall be shown in the first status report presented after the completion or abandonment, but need not appear in status reports thereafter.
 - (3) The status report shall be submitted quarterly to the Speaker of the House of Representatives and to the President of the Senate. The Speaker and the President shall forward the reports for review to the committees or task forces the Speaker and the President deem appropriate.
 - (4) When the department submits the report to the Speaker and the President, the department shall notify each member of the Legislative Assembly that the report is available. [1999 c.939 s.8]

184.666 Summary of effect of mandates and regulations on costs; notification of legislators. The Department of Transportation shall develop a summary that shows, to the extent it can be determined, how the department's costs for maintenance, preservation and modernization are affected by state and federal mandates, environmental regulations or other factors that have a significant impact on cost. The summary shall be submitted to the Speaker of the House of Representatives and the President of the Senate at the beginning of each regular session of the Legislative Assembly and need include only mandates, regulations and other factors issued or occurring on or after October 23, 1999. When the department submits the summary to the Speaker and the President, the department shall notify each member of the Legislative Assembly that the summary is available. [1999 c.939 s.9]

Note: Section 10, chapter 939, Oregon Laws 1999, provides:

Sec. 10. The Department of Transportation shall develop a proposal for a system to provide projected expenditures for the biennium for each project covered by the Highway Construction Plan described in section 5 of this 1999 Act [184.658]. The proposal shall be presented to the Emergency Board no later than November 1, 2000. [1999 c.939 s.10]

(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 s.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 or private nonprofit corporation operating a public transportation system. [1969 c.599 s.50; 1973 c.249 s.23; 1977 c.230 s.2; 1981 c.224 s.1; 1989 c.171 s.24; 1993 c.741 s.15]

184.680 [1969 c.599 ss.51,53; subsection (3) enacted by 1969 c.599 s.53a; 1973 c.249 s.24; repealed by 1993 c.741 s.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 s.57; 1973 c.249 s.25; 1977 c.230 s.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 s.9 (enacted in lieu of 184.700)]

184.690 [1969 c.599 ss.54,55; repealed by 1973 c.249 s.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 s.6; 1977 c.230 s.5; 1993 c.741 s.16]

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

184.700 [1971 c.559 s.2; 1973 c.249 s.26; repealed by 1977 c.230 s.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 s.13; 1989 c.171 s.25; 1997 c.275 s.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 s.15]

184.715 [1977 c.230 s.14; repealed by 1993 c.741 s.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 s.11]

184.725 Rulemaking. 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 s.12]

184.727 [1981 c.224 s.3; repealed by 1989 c.867 s.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, construct 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 s.4; 1989 c.867 s.2; 1991 c.752 s.14f; 1993 c.741 s.17; 1995 c.79 s.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 Transportation 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 ss.5,6,7; 1989 c.867 s.3; 1991 c.752 s.14g; 1995 c.79 s.66]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

184.860 [1977 c.661 s.1; repealed 1981 c.784 s.38]

184.865 [Formerly 184.790; amended by 1981 c.163 s.1; 1981 c.784 s.20; renumbered 410.090]

184.870 [1977 c.779 s.3; renumbered 443.205]

184.875 [1977 c.779 s.1; renumbered 443.215]

184.880 [1977 c.779 s.2; 1979 c.235 s.1; renumbered 443.225]

184.883 [1987 c.780 ss.1,2; renumbered 409.710 in 1991]

184.885 [1977 c.846 s.1; 1981 c.357 s.2; renumbered 108.610]

184.890 [1977 c.846 s.2; 1981 c.357 s.3; renumbered 108.620]

184.900 [1975 c.768 s.3; 1977 c.661 s.2; 1981 c.784 s.17; renumbered 410.320]

184.905 [1975 c.768 s.4; 1977 c.891 s.7; renumbered 410.330]

184.910 [1975 c.768 s.5; renumbered 410.340]

184.915 [1975 c.768 ss.6,7; repealed by 1977 c.661 s.5]

184.940 [1977 c.81 s.5; renumbered 185.570]
