Chapter 184

2005 EDITION

Administrative Services and Transportation Departments

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

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184.110 [1957 c.624 §2; repealed by 1963 c.580 §103]

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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184.130 [1957 c.624 §3; repealed by 1963 c.580 §103]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184.140 [1957 c.624 §4; 1969 c.80 §19; 1971 c.57 §6; repealed by 1973 c.691 §21]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184.170 [1957 c.624 §7; 1969 c.80 §21; 1971 c.57 §7; 1973 c.691 §15; repealed by 1979 c.182 §12]

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

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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184.210 [1959 c.660 §17; 1969 c.80 §26; 1973 c.691 §18; repealed 1981 c.68 §1]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184.230 [1985 c.778 §2; repealed by 1987 c.836 §3]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 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 §1 (1), (2), (3); 1971 c.57 §9; 1993 c.18 §32; 1993 c.500 §2]

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 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 Department of Human Services; 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 §268; 1987 c.320 §143; 1995 c.551 §9; 1999 c.59 §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 §12]

184.354 Federal Funds Account. (1) The Oregon Department of Administrative Services Federal Funds Account is established separate and distinct from the General Fund.

(2) The Oregon Department of Administrative Services may apply for and receive federal grants and funds. Federal grants and funds received shall be deposited into the Oregon Department of Administrative Services Federal Funds Account. Moneys in the account are continuously appropriated to the department for the purposes for which they were received. [2001 c.716 §4]

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, "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) Not later than December 31 of each calendar year, the department shall prepare and submit a 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 or the Emergency Board. The report shall describe internal audit activities that have occurred in state government during the calendar year in which the report is prepared. [2005 c.373 §1]

Note: Section 2, chapter 373, Oregon Laws 2005, provides:

Sec. 2. Before first adopting rules described in section 1 of this 2005 Act [184.360], the Oregon Department of Administrative Services shall submit the proposed rules to the Joint Legislative Audit Committee for review. In the absence of the Joint Legislative Audit Committee, the department shall submit the proposed rules to the appropriate subcommittee of the Joint Committee on Ways and Means or the Emergency Board. [2005 c.373 §2]

184.365 Authority of Oregon Department of Administrative Services to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Oregon Department of Administrative Services may require the fingerprints of 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, vendor 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) 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 order 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]

(Grant Agreements for Baseball Tax Revenues)

184.400 Definitions for ORS 184.400 to 184.408. (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 women, minorities and 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 section 7, Article XI of the Oregon Constitution. If a provision of a grant agreement is construed to have the effect of creating a debt in violation of section 7, Article XI 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]

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;

(5) The Oregon Department of Administrative Services has provided a written report regarding the estimated and actual incremental baseball tax revenues to, and has solicited comments from, the advisory committee described in subsection (6) of this section 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; and

(6) An advisory committee, consisting of two legislators appointed by the President of the Senate, two legislators appointed by the Speaker of the House of Representatives and one person appointed by the Governor, has reviewed the provisions of the proposed grant agreement listed in subsection (5) of this section. [2003 c.808 §3]

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]

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

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]

(Information Technology Management)

184.473 Definitions for ORS 184.475 and 184.477. As used in ORS 184.475 and 184.477:

(1) "Information technology" includes, but is not limited to, all present and future forms of hardware, software and services for data processing, office automation and telecommunications.

(2) "State agency" includes every state officer, board, commission, department, institution, branch or agency of the state government whose costs are paid wholly or in part from funds held in the State Treasury, except:

(a) The Secretary of State, the State Treasurer, the Legislative Assembly, the courts and their officers and committees; and

(b) The Public Defense Services Commission. [2001 c.936 §1; 2003 c.449 §26]

184.475 Information technology portfolio-based management; inventory; standards; rules; exception. (1) The purposes of information technology portfolio-based management are to:

(a) Ensure that state agencies link their information technology investments with business plans;

(b) Facilitate risk assessment of information technology projects and investments;

(c) Ensure that state agencies justify information technology investments on the basis of sound business cases;

(d) Ensure that state agencies facilitate development and review of information technology performance related to business operations;

(e) Identify projects that can cross agency and program lines to leverage resources; and

(f) Assist in state government-wide planning for common, shared information technology infrastructure.

(2) The Oregon Department of Administrative Services shall integrate state agency strategic and business planning, technology planning and budgeting and project expenditure processes into the department's information technology portfolio-based management.

(3) In cooperation with state agencies, the department shall conduct and maintain a continuous inventory of each state agency's current and planned investments in information technology, a compilation of information about those assets and the total life cycle cost of those assets. The department shall develop and implement state government-wide standards, processes and procedures for the required inventory and for the management of the state government-wide information technology portfolio. State agencies shall participate in the information technology portfolio-based management and shall comply with the standards, processes and procedures established by the department under this subsection. The provisions of this subsection do not relieve any state agency from accountability for equipment, materials, supplies and tangible and intangible personal property under its control.

(4) The department shall ensure that state agencies implement portfolio-based management of information technology resources in accordance with this section and with rules adopted by the Director of the Oregon Department of Administrative Services.

(5) This section does not apply to competitive research grants and contracts at in-

stitutions of higher education listed in ORS 352.002.

(6) In implementing the provisions of this section, the department shall submit state government-wide policies for review to the Joint Legislative Committee on Information Management and Technology. [2001 c.936 §2]

184.477 Enterprise management; plan for management of distributed information technology assets; standards; exception. (1) The purpose of enterprise management is to create a plan and implement a state government-wide approach for managing distributed information technology assets to minimize total ownership costs from acquisition through retirement, while realizing maximum benefits for transacting the state's business and delivering services to its citizens.

(2) With input and recommendations from state agencies, the Oregon Department of Administrative Services shall develop a plan for the state government-wide management of distributed information technology assets. The plan shall prescribe the state government-wide infrastructure and services for managing these assets. The plan shall be submitted to the Joint Legislative Committee on Information Management and Technology for review.

(3) Following review by the Joint Legislative Committee on Information Management and Technology, the department shall ensure state agency implementation of the plan, including the development of appropriate standards, processes and procedures.

(4) State agencies shall participate in the enterprise management of information technology assets and shall comply with the standards, processes and procedures of the department.

(5) This section does not apply to competitive research grants and contracts at institutions of higher education listed in ORS 352.002. [2001 c.936 §3]

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 184.666. 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 §1; 1973 c.249 §1; 1999 c.939 §2]

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. 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 §3; 1981 c.545 §3; 1983 c.428 §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 §§4,9; 1979 c.293 §1]

184.615 Department of Transportation; organization; duties; director; administrators. (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, motor carriers, public transit, rail, transportation safety and the Oregon Board of Maritime Pilots.

(4) The director shall appoint an administrator for each area of critical concern to the department. The administrator 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, motor carriers, public transit, rail, transportation safety and maritime pilotage. In appointing administrators under this subsection, the director shall consider recommendations of any advisory committee interested in the area of responsibility. Administrators appointed under this subsection are in the unclassified service for purposes of the State Personnel Relations Law.

(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 administrator of the area of critical concern. [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]

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 Transportation, the De-

partment of Transportation or the Oregon Transportation Commission, such service shall be made upon the office of the director. [1979 c.186 §§2,3; 2003 c.14 §87]

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 carriers, motor vehicles, public transit, rail, 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 §10; 1979 c.186 §5; 1989 c.904 §50; 1993 c.741 §6; 1999 c.935 §16; 2003 c.27 §2]

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 §12; 1983 c.362 §1; 1983 c.553 §1; 1993 c.741 §7; 1999 c.969 §3]

184.619 Rulemaking authority; orders. In accordance with the applicable provisions of ORS chapter 183, 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 §11; 1981 c.418 §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) One executive assistant for each deputy director appointed under this section and one for each administrator appointed under ORS 184.615 (4). Executive assistants appointed under this paragraph are in the unclassified service 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 §3; 1969 c.599 §3a; 1973 c.249 §16; 1979 c.186 §6; 1999 c.686 §1; 2005 c.70 §2]

184.622 Authority of Department of Transportation to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, 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]

184.628 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 State Board of Higher Education.

(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 product development projects that will receive funding under the program established under this section. [2003 c.819 §18]

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, interna-

tional 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 §3; 1999 c.935 §18]

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; 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)(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]

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 dur-

ing 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 administration of the department. [1989 c.345 §3; 1993 c.741 §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 §4; 1993 c.741 §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 §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) Driver training certificates;

(D) Commercial driver training school certificates; and

(E) Appraiser certificates.

(c) Fees collected under ORS 822.705.

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

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

(f) Fees collected by the department for issuance of permits to engage in activities described in ORS 374.305 to 374.330 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.

(g) 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)(f) 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]

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.

184.645 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 de-

partment 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 Department of Transportation shall appear before the Joint Legislative Audit Committee established by ORS 171.580 at least once each biennium to report on internal audits and federal audits of the department. [2005 c.612 §9]

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]

(Accounting and Budgeting)

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) Oregon Board of Maritime Pilots.

(2) Central services.

(3) Driver and motor vehicle services.

(4) Highways.

(5) Motor carriers.

(6) Rail.

(7) Transit.

(8) Transportation development.

(9) Transportation safety. [1999 c.936 §2; 1999 c.936 §5; 2005 c.612 §2]

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 §1]

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

184.656 Governor's program budget for department. (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. The program budget shall include proposed expenditures for each program or item specifically listed in the budget bills for the department enacted during the preceding regular session of the Legislative Assembly.

(2) The budget shall be accompanied by the Highway Construction Plan described in ORS 184.658. [1999 c.939 §4; 2001 c.104 §65; 2005 c.612 §3]

184.658 Highway Construction Plan. (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. The plan shall indicate the current status of each project as specified 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) For each project in the Highway Construction Plan, the department shall indicate whether:

(a) The project is under construction;

(b) Funding is committed for construction or implementation of the project; or

(c) Funding is committed only for the planning of the project. [1999 c.939 §5; 2005 c.612 §4]

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

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

184.664 Status report for projects in Highway Construction Plan. (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 Highway Construction Plan was issued.

(g) An explanation of any changes to the adopted budget made by the Emergency Board since the Highway Construction Plan 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 Legislative Assembly in the manner prescribed by ORS 192.245. [1999 c.939 §8; 2005 c.612 §5]

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 §9]

(Road User Fee Task Force and Pilot Project)

Note: Sections 1 to 6, chapter 862, Oregon Laws 2001, provide:

Sec. 1. 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]

Sec. 2. (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 policymaking 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) In addition to the requirements of subsection (9) of this section, the task force shall propose to the Seventy-second Legislative Assembly options for the design of a revenue collection system for Oregon's roads and highways that would replace the current system for revenue collection.

(9) The task force shall report to each 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 presession filing with the Legislative Counsel by December 15 of the year preceding a regular session of the Legislative Assembly. [2001 c.862 §2]

Sec. 3. (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 section 2 of this 2001 Act. [2001 c.862 §3]

Sec. 4. (1) The department may use moneys in the State Highway Fund for financing activities required to support the task force created by section 2 of this 2001 Act and the pilot programs established under section 3 of this 2001 Act.

(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 sections 2 and 3 of this 2001 Act. [2001 c.862 §4]

Sec. 5. (1) Notwithstanding section 2 (8) of this 2001 Act, not later than September 30, 2002, the task force created by section 2 of this 2001 Act shall present a preliminary report to the Legislative Assembly on possible alternatives to the current system of taxing highway use through motor vehicle fuel taxes.

(2) Not later than July 1, 2003, the Department of Transportation shall begin to implement pilot programs as authorized by section 3 of this 2001 Act. [2001 c.862 §5]

Sec. 6. Sections 1 to 5 of this 2001 Act are repealed on January 2, 2010. [2001 c.862 §6]

Note: Section 43, chapter 618, Oregon Laws 2003, provides:

Sec. 43. The Department of Transportation may vary any fee established under section 3, chapter 862, Oregon Laws 2001, to facilitate the maximum use of road capacity. [2003 c.618 §43]

(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, 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 vehi-

cles 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 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 §§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.

(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. [2005 c.484 §1]

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 reduc-

ing 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]

184.750 [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]

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]

184.759 [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]

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

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]

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]

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]

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

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]