# Chapter 383

## 2005 EDITION

# Toll Roads and Toll Bridges


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## TOLL ROADS

**383.001 Findings.** The Legislative Assembly finds that:

(1) The development, improvement, expansion and maintenance of an efficient, safe and well-maintained system of roads, highways and other transportation facilities is essential to the economic well-being and high quality of life of the people of this state.

(2) Public sources of revenues, including federal funding, to provide an efficient transportation system have not kept pace with the state's growing population and growing transportation needs, and all available alternative sources of funding should be utilized to supplement available public sources of revenues.

(3) Because public funding sources are not providing the state with sufficient funds to meet all of its transportation needs, private funding should be encouraged as an additional source of funding for transportation projects and facilities.

(4) Various alternatives for utilizing the funds of private entities in the acquisition, design, construction, reconstruction, operation and maintenance of transportation facilities exist, including arrangements whereby private entities obtain exclusive agreements to design, build, own, lease or operate with private funds all or a portion of transportation projects and facilities in exchange for the right to receive certain revenues generated from the operation and utilization of such transportation projects and facilities.

(5) Another important alternative for the funding of transportation facilities is the use of federal funds pursuant to 23 U.S.C. 129(a), as amended by section 112 of the Intermodal Surface Transportation Efficiency Act of 1991, which established a program authorizing federal participation in construction of publicly or privately owned toll highways, bridges and tunnels.

(6) The federal legislation allows for a mix of federal funding and private funding of transportation facilities, allowing the states to leverage available federal funds as a means for attracting private capital.

(7) Legislation for the utilization of private funding of transportation facilities should be flexible enough to permit the Department of Transportation to obtain the advantages of any available alternative under which the acquisition, design, construction, reconstruction, operation, maintenance and repair of transportation facilities can be financed in whole or in part or in combination by any available sources of private or public funding.

(8) The funding of transportation facilities through the imposition of tolls on those who use such facilities is a fair and impartial means of assessing the costs of improvements against those who most benefit from such improvements, and is consistent with public policy.

(9) Joint endeavors of public and private entities do the following:

(a) Take advantage of private sector efficiencies in designing, constructing and operating transportation projects.

(b) Allow for the rapid formation of capital necessary for funding transportation projects.

(c) Require continued compliance with environmental requirements and applicable state and federal laws that all publicly financed projects must address. [1995 c.668 §1]

**383.003 Definitions for ORS 383.003 to 383.027.** As used in ORS 383.003 to 383.027:

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

(2) "Private entity" means any nongovernmental entity, including a corporation, partnership, company or other legal entity, or any natural person.

(3) "Related facility" means any real or personal property that:

(a) Will be used to operate, maintain, renovate or facilitate the use of the tollway;

(b) Will provide goods or services to the users of the tollway; or

(c) Can be developed efficiently when tollways are developed and will generate revenue that may be used to reduce tolls or will be deposited in the State Tollway Account.

(4) "Toll" means any fee or charge for the use of a tollway.

(5) "Tollway" means any roadway, path, highway, bridge, tunnel, railroad track, bicycle path or other paved surface or structure specifically designed as a land vehicle transportation route, the construction, operation or maintenance of which is wholly or partially funded with toll revenues resulting from an agreement under ORS 383.005.

(6) "Tollway project" means any capital project involving the acquisition of land for, or the construction, reconstruction, improvement, installation, development or equipping of, a tollway, related facilities or any portion thereof.

(7) "Unit of government" means any department or agency of the federal government, any state, or any agency, office or department thereof, and any city, county, district, port or other public corporation organized and existing under statutory law or under a voter-approved charter. [1995 c.668 §2]

**383.005 Agreements for tollway projects; operation of projects.** (1) For purposes of the acquisition, design, construction, reconstruction, operation or maintenance and repair of tollway projects, the Department of Transportation may enter into any combination of contracts, agreements and other arrangements with any one or more private entities or units of government, or any combination thereof, including but not limited to the following:

(a) Design-build contracts with private entities pursuant to which a portion or all aspects of the design, construction and installation of all or any portion of a tollway project are accomplished by the private entity;

(b) Lease agreements, lease-purchase agreements and installment sale arrangements for the lease, sale or purchase of real and personal property for tollway projects by the state from private entities or units of government or by private entities or units of government from the state;

(c) Licenses, franchises or other agreements for the periodic or long-term operation or maintenance of a tollway project;

(d) Financing agreements for a tollway project pursuant to which the department makes any loan, grant, guaranty or other financing arrangement with a private entity or unit of government; and

(e) Agreements for purchase or acquisition of fee ownership, easements, rights of way or any other interests in land upon which a tollway project is to be built.

(2) The department may operate tollway projects and impose and collect tolls on any tollway project the department operates. Any private entity or unit of government that operates a tollway project pursuant to an agreement with the department may impose and collect tolls on the tollway project. [1995 c.668 §3; 2001 c.844 §7]

**383.007** [1995 c.668 §3a; 1997 c.390 §1; 1997 c.671 §3; repealed by 2001 c.844 §9]

**383.009 State Tollway Account; sources; uses.** (1) There is hereby established the State Tollway Account as a separate account within the State Highway Fund. The State Tollway Account shall consist of:

(a) All moneys and revenues received by the Department of Transportation from or made available by the federal government to the department for any tollway project or for the operation or maintenance of any tollway;

(b) Any moneys received by the department from any other unit of government or any private entity for a tollway project or from the operation or maintenance of any tollway;

(c) All moneys and revenues received by the department from any loan made by the department for a tollway project pursuant to ORS 383.005, and from any lease, agreement, franchise or license for the right to the possession and use, operation or management of a tollway project;

(d) All tolls and other revenues received by the department from the users of any tollway project;

(e) The proceeds of any bonds authorized to be issued under ORS 383.023 for tollway projects;

(f) Any moneys that the department has legally transferred from the State Highway Fund to the State Tollway Account for tollway projects;

(g) All moneys and revenues received by the department from all other sources that by donation, grant, contract or law are allocated or dedicated for tollway projects; and

(h) All interest earnings on investments made from any of the moneys held in the State Tollway Account.

(2) Moneys in the State Tollway Account may be used by the department for the following purposes:

(a) To finance preliminary studies and reports for any tollway project;

(b) To acquire land to be owned by the state for tollways and any related facilities therefor;

(c) To finance the construction, renovation, operation, improvement, maintenance or repair of any tollway project;

(d) To make grants or loans to a unit of government for tollway projects;

(e) To make loans to private entities for tollway projects;

(f) To pay the principal, interest and premium due with respect to, and to pay the costs connected with the issuance or ongoing administration of any bonds or other financial obligations authorized to be issued by, or the proceeds of which are received by, the department for any tollway project;

(g) To provide a guaranty or other security for any bonds or other financial obligations, including but not limited to financial obligations with respect to any bond insurance, surety or credit enhancement device issued or incurred by the department, a unit of government or a private entity, for the purpose of financing a single tollway project or any related group or system of tollways or related facilities; and

(h) To pay the costs incurred by the department in connection with its oversight, operation and administration of the State Tollway Account, the proposals and projects

submitted under ORS 383.015 and the tollway projects financed under ORS 383.005.

(3) For purposes of securing bonds authorized by ORS 383.023 or providing a guaranty, surety or other security authorized by subsection (2)(g) of this section, the department may:

(a) Irrevocably pledge all or any portion of the amounts that are credited to, or are required to be credited to, the State Tollway Account;

(b) Establish subaccounts in the State Tollway Account, and make covenants regarding the credit to and use of amounts in those accounts and subaccounts; and

(c) Establish separate trust funds or accounts and make covenants to transfer to those separate trust funds or accounts all or any portion of the amounts that are required to be deposited in the State Tollway Account.

(4) Notwithstanding any other provision of ORS 383.001 to 383.027 and 383.315, the department shall not pledge any funds or amounts at any time held in the State Tollway Account as security for the obligations of a private entity unless the department has entered into a binding and enforceable agreement that provides the department reasonable assurance that the department will be repaid, with appropriate interest, any amounts that the department is required to advance pursuant to that pledge.

(5) Moneys in the State Tollway Account are continuously appropriated to the department for purposes authorized by this section. [1995 c.668 §4; 2005 c.22 §264]

**383.010** [Repealed by 1981 c.153 §79]

**383.011 Contract terms regarding entry into possession by Department of Transportation; eminent domain.** (1) Every contract, agreement or other arrangement between the Department of Transportation and any private entity pursuant to which a private entity owns, leases or operates a tollway shall provide that, if an event occurs that seriously jeopardizes or impairs the continued availability and operation of the tollway, the department shall be entitled to enter into and take possession of the tollway and to exercise all of the rights attendant to such possession, including the right to receive all tolls and other revenues of the tollway, subject to any obligations incurred for the tollway, and the right to operate, maintain, repair and reconstruct the tollway.

(2) The department may exercise the power of eminent domain to acquire property for tollway projects, regardless of whether the property will be owned in fee simple by the department. [1995 c.668 §5; 2001 c.844 §2]

**383.013 Tollway design.** (1) The design of each tollway shall at least meet the minimum design standards generally applicable, at the time the Department of Transportation authorizes the tollway, to the state and other units of government authorized to build and own roads, highways, bridges, tunnels, railways and related facilities.

(2) In considering the design of a tollway, the department shall solicit the recommendation of all units of government having jurisdiction over any of the territory encompassing or adjacent to the proposed route of the tollway. The department shall consider the present and future needs of local transit authorities and whether the proposed tollway project should be expanded to include the acquisition of land or rights of way for future mass transit needs or for future expansion due to projected population growth.

(3) In considering the design of a tollway, the department shall solicit the recommendation of state and local parks departments to consider whether parks or campsites for travelers or bicyclists should be incorporated into the tollway design. The department may enter into agreements for the use of state and local funding for the acquisition and construction of such parks and campsites. The land on which such parks and campsites shall be located may be owned or leased in any manner in which any other tollway property may be owned or leased and shall be managed by any entity chosen by the department for such purpose, including the entity that operates or maintains the tollway. The allocation of revenues derived from the ownership or operation of any park or campsite shall be in accordance with any arrangement the department deems desirable. [1995 c.668 §6; 2001 c.844 §3]

**383.015 Initiation of project; fees; rules; conditions for authorization; studies.** (1) Tollway projects may be initiated by the Department of Transportation, by a unit of government having an interest in the installation of a tollway, or by a private entity interested in constructing or operating a tollway project. The department shall charge an administrative fee for reviewing and considering any tollway project proposed by a private entity, which the department shall establish by rule. All such administrative fees shall be deposited into the State Tollway Account.

(2) The department shall adopt rules pursuant to which it will consider authorization of a tollway project. The rules shall require consideration of:

(a) The opinions and interests of units of government encompassing or adjacent to the

path of the proposed tollway project in having the tollway installed;

(b) The probable impact of the proposed tollway project on local environmental, aesthetic and economic conditions and on the economy of the state in general;

(c) The extent to which funding other than state funding is available for the proposed tollway project;

(d) The likelihood that the estimated use of the tollway project will provide sufficient revenues to independently finance the costs related to the construction and future maintenance, repair and reconstruction of the tollway project, including the repayment of any loans to be made from moneys in the State Tollway Account;

(e) With respect to tollway projects, any portion of which will be financed with state funds or department loans or grants:

(A) The relative importance of the proposed tollway project compared to other proposed tollways; and

(B) Traffic congestion and economic conditions in the communities that will be affected by competing tollway projects; and

(f) The effects of tollway implementation on community and local street traffic.

(3) Notwithstanding any other provision of ORS 383.001 to 383.027 and 383.315, no tollway project shall be authorized unless the department finds that either:

(a) Based on the department's estimate of present and future traffic patterns, the revenues generated by the tollway project will be sufficient, after payment of all obligations incurred in connection with the acquisition, construction and operation of such tollway project, to ensure the continued maintenance, repair and reconstruction of the tollway project without the contribution of additional public funds; or

(b) The revenues generated by the tollway project will be at least sufficient to pay its operational expenses and a portion of the costs of its construction, maintenance, repair and reconstruction, and the importance of the tollway project to the welfare or economy of the state is great enough to justify the use of public funding for a portion of its construction, maintenance, repair and reconstruction.

(4) If the department finds that a proposed tollway project qualifies for authorization under this section, the department may conduct or cause to be conducted any environmental, geological or other studies required by law as a condition of construction of the tollway project. The costs of completing the studies for any proposed tollway project may be paid by moneys in the State Tollway Account, provided that any such payment shall constitute a loan against the proposed tollway project and shall be reimbursed to the State Tollway Account as a part of the permanent financing for the project. [1995 c.668 §7; 1997 c.390 §2]

**383.017 Awarding of contracts for tollway projects; rules for awarding rest area concessions; application of certain laws.** (1) The Department of Transportation may award any contract, franchise, license or agreement related to a tollway project, other than a concession for the provision of goods or services at a rest area, under a competitive process or by private negotiation with one or more entities, or by any combination of competition and negotiation without regard to any other laws concerning the procurement of goods or services for projects of the state.

(2) When using a competitive process for the award of a tollway project contract, the department shall consider the following factors in addition to the proposer's estimate of cost:

(a) The quality of the design, if applicable, submitted by a proposer. In considering the quality of the design of a tollway project, the department shall take into consideration:

(A) The structural integrity of the design, including the probable effect of the design on the future costs of maintenance of the tollway;

(B) The aesthetic qualities of the design, including such factors as the width of lane separators, landscaping and sound walls;

(C) The traffic capacity of the design;

(D) The aspects of the design that affect safety, such as the lane width, the quality of lane markers and separators, the shape and positioning of ramps and curves and the changes in elevation; and

(E) The ease with which traffic will be able to pass through the toll collection facilities.

(b) The extent to which small businesses will be involved in the tollway project. The department shall encourage participation by small businesses to the maximum extent the department determines is practicable. As used in this paragraph, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding $1 million for construction firms and $300,000 for nonconstruction firms. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned and controlled by the same individuals and that have average aggregate annual gross receipts in excess of $1 million for construction firms or $300,000 for

nonconstruction firms over the last three years.

(c) The financial stability of the proposer and the ability of the proposer to provide funding for the tollway project and surety for its performance and financial obligations with respect to the tollway project.

(d) The experience of the proposer and its subcontractors in building and operating projects such as the tollway project.

(e) The terms of the financial arrangement proposed or accepted by the proposer with respect to franchise fees, license fees, lease payments or operating expenses and the proposer's required rate of return from its operation or maintenance of the tollway.

(3)(a) The department may adopt rules and procedures for the award of franchises, licenses, leases or other concessions for rest areas without regard to any other laws concerning the procurement of goods or services for projects of the state. All such franchises, licenses, leases or other concessions shall require the franchisee, licensee, lessee or concessionaire, as applicable, to maintain the subject premises in accordance with all applicable state and federal health and safety standards, to maintain one or more policies of casualty and property insurance and adequate workers' compensation insurance, and to pay and discharge all taxes, utilities, fees and other charges or claims that are levied, assessed or charged against the premises or concession or that may become a lien upon the premises. The rules shall encourage participation by small businesses to the maximum extent the department determines is practicable. The department may grant any small business a 10 percent or greater bid advantage in any bidding process for a concession.

(b) As used in this subsection, "small business" means an independent business with fewer than 20 employees and with average annual gross receipts over the last three years not exceeding $300,000. "Small business" does not include a subsidiary or parent company belonging to a group of firms that are owned and controlled by the same individuals and that have average aggregate annual gross receipts in excess of $300,000 over the last three years. "Small business" also does not include a franchise of any business that has average aggregate annual gross receipts in excess of $300,000 over the last three years.

(4) Notwithstanding any other provision of this section, the department may use any method for the award of any contract, franchise, license or agreement that is necessary to comply with the requirements of any grant or other funding source.

(5) If public funds are involved in the project, construction of a tollway project shall be subject to the prevailing wage requirements of ORS 279C.800 to 279C.870.

(6) For purposes of complying with applicable state and local land use laws, including statewide planning goals, comprehensive plans, land use regulations, ORS chapters 195, 196, 197, 198, 199, 215, 221, 222 and 227, and any requirement imposed by the Land Conservation and Development Commission, a tollway project shall be treated as a project of the department and not as a project of any other person or entity.

(7) Tollways, and any related facilities that would normally be purchased, constructed or installed by the department if the tollway were a conventional highway that was constructed and operated by the department, shall be exempt from ad valorem property taxation.

(8) Tollways are considered state highways for purposes of law enforcement and application of the Oregon Vehicle Code. [1995 c.668 §8; 2003 c.794 §269]

**383.019 Agreements between department and private entities regarding maintenance of tollways.** (1) Every agreement between the Department of Transportation and a private entity pursuant to which the private entity owns or operates a tollway and is entitled to collect the revenues therefrom shall require that the tollway be maintained in a safe condition and be returned to the state in a safe and serviceable condition without need of any repair or reconstruction.

(2) Every agreement between the department and a private entity pursuant to which the private entity owns or operates a tollway and is entitled to collect the revenues therefrom shall provide for the establishment and funding of a maintenance, repair and reconstruction trust fund that is designed to ensure that adequate funds will be available to maintain and repair the tollway, so that the tollway will be surrendered to the department in good condition without need of repair or reconstruction. [1995 c.668 §9]

**383.020** [Repealed by 1981 c.153 §79]

**383.021** [1995 c.668 §10; repealed by 2001 c.844 §9]

**383.023 Revenue bonds for tollway projects.** (1) In accordance with the applicable provisions of ORS 286.010, 286.020, 286.105 to 286.135 and ORS chapter 288, the State Treasurer, at the request of the Department of Transportation, may issue revenue bonds for the purpose of financing a tollway project, provided that such bonds shall never constitute a debt or general obligation of the department or of this state or any of its political subdivisions, but shall be payable solely from the revenues, amounts,

funds and accounts described in ORS 383.009 (3).

(2) The proceeds of revenue bonds issued under this section may be used by the department or loaned to a private entity or a unit of government for the purpose of financing any portion of the capital costs related to the construction of a tollway project, including costs of the acquisition of interests in land upon which the tollway project will be constructed, to provide a financial reserve required under any federal funding agreement and for the payment of the costs of issuing the bonds and funding bond reserves.

(3) The bonds authorized by this section may be issued by the department as taxable bonds or as tax-exempt bonds under the income tax laws of the United States.

(4) Notwithstanding the status of the bonds for federal income tax purposes, interest paid to the owners of the bonds shall be exempt from personal income taxes imposed by this state.

(5) When issuing bonds authorized by this section, the department and the State Treasurer may make covenants with bondholders regarding the imposition and regulation of tolls, the making of loans and grants funded from the State Tollway Account, the use of amounts required to be deposited in the State Tollway Account and the issuance of additional bonds. [1995 c.668 §11]

**383.025 Certain information provided to Department of Transportation exempt from disclosure.** Sensitive business, commercial or financial information presented to the Department of Transportation by a private entity for the purpose of determining the feasibility of the entity's participation in a tollway project is exempt from disclosure under ORS 192.410 to 192.505. [2001 c.844 §5]

**383.027 Issuance of revenue bonds by municipality for tollway project.** (1) In accordance with the provisions of ORS 288.805 to 288.945, a municipality, as defined in ORS 288.805, may issue revenue bonds for the purpose of financing a tollway project.

(2) A nonprofit corporation organized under Oregon law may issue revenue bonds for the purpose of financing a tollway project. [2001 c.844 §6]

**383.030** [Repealed by 1981 c.153 §79]

**383.040** [Repealed by 1981 c.153 §79]

**383.050** [Repealed by 1981 c.153 §79]

**383.060** [Repealed by 1981 c.153 §79]

**383.070** [Repealed by 1981 c.153 §79]

**383.080** [Repealed by 1981 c.153 §79]

**383.090** [Repealed by 1981 c.153 §79]

**383.100** [Repealed by 1981 c.153 §79]

**383.110** [Repealed by 1981 c.153 §79]

**383.120** [Repealed by 1981 c.153 §79]

**383.130** [Repealed by 1981 c.153 §79]

**383.140** [Repealed by 1981 c.153 §79]

**383.210** [Repealed by 1981 c.153 §79]

**383.220** [Amended by 1971 c.741 §29; repealed by 1981 c.153 §79]

**383.230** [Repealed by 1981 c.153 §79]

**383.240** [Repealed by 1981 c.153 §79]

**383.250** [Repealed by 1981 c.153 §79]

**383.260** [Repealed by 1981 c.153 §79]

**383.270** [Repealed by 1981 c.153 §79]

**383.280** [Repealed by 1981 c.153 §79]

## TOLL BRIDGES

### (Generally)

**383.310 Constructing and operating toll bridges.** It is lawful to construct, maintain and operate toll bridges upon state highways in the manner set forth in and pursuant to ORS 382.105 to 382.115 and 383.315 to 383.380, and not otherwise.

**383.315 Exception to ORS 383.310.** Notwithstanding any provision of law to the contrary, nothing in ORS 382.105 to 382.115 and 383.315 to 383.380 applies to toll bridges constructed, maintained or operated under the provisions of ORS 383.003 to 383.027. [1995 c.668 §13]

**383.320 Permission of Department of Transportation for toll bridges.** Before any toll bridge is constructed or construction commenced over any stream, river, bay, arm of the ocean or other body of water upon any state highway, federal aid highway, any highway constituting a direct or immediate extension thereof, connection between two state highways or federal aid highways or any highway over which travel might be diverted from a state or federal highway, application shall first be made to the Department of Transportation for a permit to construct, operate and maintain the bridge. If, in the judgment of the department, the interest of the public will be served by the construction of the toll bridge, the Department of Transportation may, in its judgment and discretion, grant a permit for the construction, maintenance and operation of the toll bridge upon such terms and conditions and under such regulations as the department deems proper, not inconsistent with ORS 382.105 to 382.115 and 383.310 to 383.380.

**383.330 Purchase of toll bridges by Department of Transportation.** The permit issued by the Department of Transportation for the construction of the toll bridge shall, among other things, contain a clause and provision to the effect that the state, through the department, may, at any time after three years from date of the construction and operation of the bridge, acquire the bridge, all right, title or interest therein and the ap-

proaches thereto, by paying to the owners the reasonable cash value of the bridge and approaches, not to exceed in any event the original construction cost, less reasonable depreciation. In determining the price to be paid for the bridge there shall be taken into account:

(1) The amounts expended in constructing and keeping in repair the bridge.

(2) Other necessary expenses incurred in and about the bridge.

(3) As an offset, the amount or sum of money received by the owners of the bridge as profits or tolls.

**383.340 Submitting bridge plans to Department of Transportation.** If, in the judgment of the Department of Transportation, such permit should be granted, the department shall, before issuing a permit and before the construction of the bridge has been commenced, require the applicant to submit to the department the location, design, plans and specifications for the construction of the bridge, together with such drawings and maps as may be required for a full understanding of the subject. The construction of the bridge shall not be commenced until such location, design, plans, specifications, drawings and maps have been approved by the department.

**383.350 Inspector of bridge construction; compensation.** Whenever the Department of Transportation grants a permit for the construction of a toll bridge as provided in ORS 383.320, the department shall maintain on the bridge during construction an inspector, who shall have authority to require the construction of the bridge in harmony with the plans, specifications and design approved by the department. The compensation or wages to be paid the inspector shall be fixed by the Department of Transportation, but such compensation, together with the subsistence of the inspector, shall be paid by the applicant to whom the permit for construction of the bridge has been issued.

**383.360 Toll rates determined by Department of Transportation.** The Department of Transportation shall fix and determine the rates of toll that may be charged, collected or received for transit over such bridge, and may change such rates at any time circumstances and conditions warrant.

**383.370 Keeping and filing records of expense, tolls and profits.** (1) The owners of the toll bridge shall keep an accurate statement or account of the moneys expended in the construction of any such toll bridge and keeping it in repair, including any sums paid for lands appropriated as necessary in connection with the construction of the bridge. Such statement or account shall be verified and a copy filed annually with the Department of Transportation.

(2) The owner of such bridge shall likewise keep an accurate account of the tolls received for transit over the toll bridge or of other profits accruing to the owner. Such owner shall file semiannually with the Department of Transportation a verified copy of such account.

**383.380 Status of bridge.** When completed and opened for public travel such toll bridge is a part of the state highway system and shall be under the jurisdiction and control of the Department of Transportation.

**(Port of St. Helens)**

**383.385 Port of St. Helens toll bridge.** (1) In addition to the powers otherwise conferred on ports in this state, the Port of St. Helens is authorized, in consultation with the Department of Transportation, to plan, finance, construct, acquire, operate, own and maintain a toll bridge in Columbia County situated at or near the site of the Lewis and Clark Bridge.

(2) The Port of St. Helens may plan, finance, construct, acquire, operate, own and maintain an undivided interest in the toll bridge described in subsection (1) of this section jointly with the Port of Longview in Washington.

(3) The construction and operation of a toll bridge authorized under this section shall be subject to regulation by the Department of Transportation as provided in ORS 383.386. [1997 c.671 §1]

**383.386 Contracts for bridge; title.** (1) Except as otherwise provided in this section, the tollway project described in ORS 383.385 for a toll bridge in Columbia County shall be carried out in the manner set forth in ORS 383.003 to 383.027.

(2) For purposes of the acquisition, design, construction, reconstruction and operation of a toll bridge in Columbia County, the Department of Transportation, in partnership with the Washington State Department of Transportation, may enter into any combination of contracts, agreements and other arrangements with the Port of St. Helens and the Port of Longview, including but not lim-

ited to the contracts and agreements described in ORS 383.005 (1).

(3) The title to all legal interests in the bridge constructed and operated under agreements authorized by this section may remain permanently in the Port of St. Helens and the Port of Longview. [1997 c.671 §2; 2001 c.844 §8]