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Background Brief on ...

Roads and Highways

History

Overland travel in Oregon progressed from private wagon roads and ferries during settlement days to a network of stage roads by 1890. The state began investing in roads in the early part of the 20th Century, instituting a \$3 vehicle registration fee in 1905. The State Highway Commission was created in 1913. Oregon imposed the nation's first gas tax (one cent per gallon) in 1919. By 1920, Oregon had 620 miles of paved roads, 297 miles of plank roads, 107,307 registered motor vehicles, and a population of 783,000.

Today's most traveled routes were designed and built in the 1960s and 1970s, a period known as the "Interstate Era." A 50 percent increase in travel during the past 20 years, including substantially more truck travel, has led to more areas of congestion and a backlog of preservation and maintenance needs. An anticipated population increase of nearly one million people over the next 20 years means these trends are likely to continue.

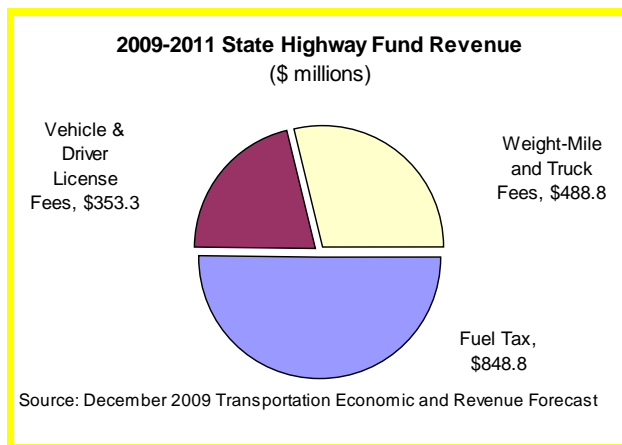
Existing Infrastructure

The Oregon Department of Transportation (ODOT) operates and maintains about 8,000 miles of road and 2,650 bridges. These numbers include interstates, U.S. highways, and state highways. State-maintained highways make up about 10 percent of road mileage in the state but carry about 60 percent of the estimated 37.4 billion vehicle miles traveled in the state each year. The rest of the traffic is carried on the local road system, including about 33,100 miles of county roads, 10,900 miles of city streets, and 23,600 miles controlled by federal and state agencies. The combined system annually carried over 2.1 billion truck miles in 2007.

Sources of Highway Revenue

Oregon pays for the construction, maintenance, and operation of the state highway system primarily through

user fees. Principal sources of revenue are federal funds, state fuel taxes, state weight-mile taxes on trucks, and state vehicle registration and title fees. The taxes and fees collected by the state are shared with Oregon cities and counties and are constitutionally dedicated to use on highways. The state does not use General Funds on highways. The chart below shows anticipated collections for this biennium after subtracting collection costs and transfers, but before distribution to cities and counties and set asides for debt service.

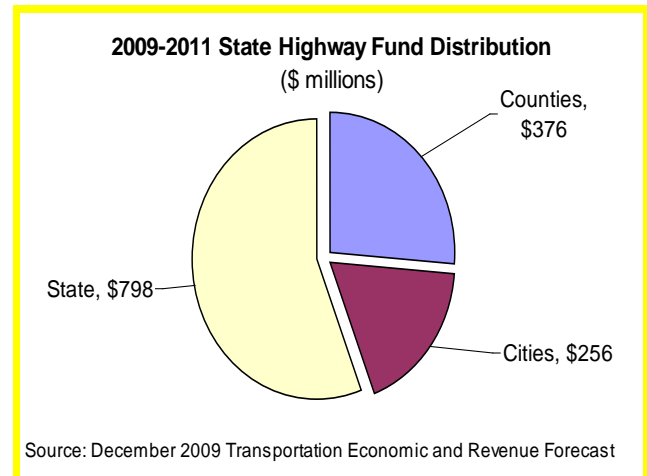


Other States

The chart above illustrates Oregon's policy of charging highway users based more on *use* of the system rather than on *vehicle ownership*. Most other states have sales taxes or other fees that apply to vehicles and some states base fees on the value of the vehicle. Such charges can substantially increase the cost of owning a vehicle. Oregon has relatively low registration fees and comparatively higher fuel and truck use taxes.

City and County Share of Fund

The following chart shows forecast distribution to cities and counties for the 2009-2011 biennium. The distribution is based on statutory distribution formulas and special programs.



Funds are distributed to individual cities by population. Funds are distributed to counties based on the number of vehicles registered in each county. Revenues generated by House Bill 2001 (2009) are distributed by the following formula: 50 percent to the state; 30 percent to counties; and 20 percent to cities.

Local Funding Variation

Roughly half of all local highway revenue used by cities and counties comes from the distribution of the state Highway Fund as shown above. However, the mix of state, local and federal money used by individual cities and counties varies significantly. The remainder of local road revenue is locally generated or of federal origin.

Local sources of road revenue include property taxes, system development charges, traffic impact fees, maintenance fees, parking fees and fines, lodging taxes, franchise fees, accrued interest, county fuel taxes (Multnomah and Washington counties), and city fuel taxes (Astoria, Canby, Coburg, Coquille, Cottage Grove, Dundee, Eugene, Hood River, Milwaukie, Newport, Oakridge, Sandy, Springfield, Stanfield, The Dalles, Tigard, Tillamook, Veneta, Warrenton, and Woodburn). Static state tax rates over the past 10 years have increased pressure on local sources. House Bill 2001 (2009) prohibited local governments from enacting new fuel taxes or amending existing fuel taxes until January 2014.

Federal Forest Revenues: Thirty-one of Oregon's 36 counties receive federal payments in lieu of property taxes. These revenues, dedicated to schools and roads, represent a substantial share of highway revenue in some counties. The roads portion for these counties totaled nearly \$105 million in Fiscal Year 2006. Congress reauthorized the payments through 2011, but is not expected to extend them further.

Federal Funds

Most states, including Oregon, depend on federal funds for a significant portion of their highway revenue. Oregon's legislatively adopted budget for the state highway system for the 2009-2011 biennium is 80 percent state revenue and 20 percent federal revenue. Federal highway funds derive mainly from an 18.4-cent federal gas tax, a 24.4-cent diesel tax, and other fees on trucks.

Federal transportation programs are adopted on a six-year cycle through authorization bills. These bills set anticipated funding levels over the six-year period, define categories of funding, and establish formulas and program criteria under which states receive funds. The most recent authorizing bill, passed in 2005, increased federal highway funding by 30 percent. The 2005 measure expired on September 30, 2009; Congress is currently considering a replacement bill and has passed continuations of the previous bill to provide funding during deliberations. Actual funding depends on the annual appropriations process in Congress and is traditionally short of the authorized level.

Federal funding comes from formula grants, discretionary funds, or earmarked funds. Because most federal funding is distributed through formula grants, congressional delegates attempt to negotiate formulas into authorization bills that favor their states. They also attempt to earmark funds for specific projects in their districts. The U.S. Department of Transportation makes federal discretionary funds available in several different program categories; state and local highway agencies must submit project applications and compete for funding.

For the most part, federal funds are received as reimbursement after state funds are spent on a project. State or local matching requirements for federally funded projects in Oregon are currently about 10 percent.

Weight-Mile Taxes

Oregon uses a weight-mile tax to assess trucks for use of state and local highways. Under this system, the tax rate for a truck increases with its weight and the rate is paid per mile of operation in the state. Most states levy a diesel tax on trucks operating on their roads but Oregon assesses the weight-mile tax instead. The rationale is that a weight-mile tax more accurately assesses trucks for road wear than does a fuel tax.

Farm vehicles, unless they are used for hire, are exempt from weight-mile taxes and pay fuel taxes. Truck owners carrying logs, wood chips, and rock products have the option of paying "flat fees" instead of weight-mile taxes. These fees vary with weight but are "flat" because they do not vary with mileage. The flat fee option is available for these trucks because they are often operated seasonally, make shorter trips, and mix taxable and non-taxable (non-highway) miles.

Setting Tax Rates

Rates for state fuel taxes, registration fees, and weight-mile taxes are all set in statute. The Oregon Constitution (Section 3(a), Article IX) requires adjustment of tax rates to ensure fairness and proportionality between classes of vehicles. State economists perform a biennial Highway Cost Allocation Study to determine how the burden of highway expenditures should be shared between cars and trucks, and between different types and weights of trucks. The study determines proper balance of tax rates between classes of highway users but does not attempt to determine appropriate levels of total revenue. Study results are presented to the House and Senate Committees on Revenue that determine what legislative action is appropriate.

Jobs and Transportation Act of 2009

House Bill 2001 (2009), referred to as the Jobs and Transportation Act (JTA), was the largest

investment in transportation infrastructure in Oregon history. The measure increased motor fuel taxes, weight mile taxes, registration fees and title fees, specifically for the purpose of maintaining and modernizing the state's road system. Motor fuel taxes were set to increase from 24 cents to 30 cents per gallon; the increase becomes effective once nonfarm payroll employment increases for two consecutive quarters or January 1, 2011, whichever comes first. Weight-mile taxes and flat-fee vehicle taxes will increase accordingly to retain appropriate cost allocation between light and heavy vehicles. The measure increased vehicle title fees from \$55 to \$78, and salvage titles from \$17 to \$27. Annual vehicle registration fees were increased as follows:

- Passenger vehicles: \$43 (increased from \$27);
- Motorcycles and mopeds: \$24 (increased from \$15);
- Hybrid electric and two-and three-wheel electric vehicles: \$43 (increased from \$27); and
- Medium speed electric vehicles: \$43 (new category of vehicle).

Prior to the JTA, the state fuel tax was last increased by the 1991 Legislative Assembly. The increase was phased from 20 to 22 cents in 1992 and from 22 to 24 cents in 1993. The 1989 Legislative Assembly had previously passed a two-cent increase and the 1987 Legislature passed a six-cent increase phased in over three years. Weight-mile fees were increased accordingly at the same time. Most recently, the 1999 Legislative Assembly passed a five-cent fuel tax increase that was subsequently placed on the ballot through a citizen-initiated referendum. The measure also would have replaced truck weight-mile taxes with a diesel tax and truck registration fees. The measure was defeated at the polls by a nearly seven-to-one margin. Vehicle registration fees were last increased from \$15 to \$27 per year for cars in 2003, while truck registration fees were increased from \$169 to \$636 per year the same year. Title fees had been last increased from \$30 to \$55 in 2003, while title fees for heavy

vehicles (those over 26,000 pounds) were set at \$90 in 2001.

Project Selection

The Statewide Transportation Improvement Program (**STIP**) is a capital improvement program adopted by the Oregon Transportation Commission and approved by the U.S. Department of Transportation. The STIP contains schedules and funding assignments for project development and construction for an upcoming four-year period.

The STIP is updated biennially. The Commission begins the update process by setting program funding levels and approving project selection and prioritization criteria for bridge, pavement preservation, and modernization projects. Projects are identified and prioritized at the ODOT region and area Commissions on Transportation level. The regions use technical ratings, traffic counts, and local knowledge and priorities to rank preservation projects. ODOT also uses a technical advisory committee for bridge project selection. Factors considered when ranking modernization projects include safety, benefits, land use impacts, modal integration, congestion, public support, environmental impact, and economic impact.

House Bill 2001 (2009) directed the Oregon Transportation Commission to work with stakeholders to review and update project selection criteria for the STIP. These revised criteria are to consider issues such as improvements to relieve congestion, safety enhancement, technological innovation, reducing the need for additional highway projects, improving freight-reliant infrastructure and support for economic growth, greatest benefit in relation to project cost, and fostering livable communities and sustainable urban development.

Unmet Needs

The Oregon Transportation Plan was approved by the Oregon Transportation Commission in September 2006. The Plan's needs analysis identified an approximately \$1.3 billion (in 2004

dollars) annual gap in the funding needed to adequately maintain and expand the publicly funded transportation modes over the 2005 to 2030 timeframe. The analysis included the needs of the public and privately-owned components of the state, regional, and local transportation systems for the following:

- Air freight and passenger services;
- Intermodal connectors;
- Local roads and bridges;
- Natural gas and petroleum pipelines;
- Ports and waterways;
- Public transportation;
- Rail freight and passenger services; and
- State highways, including state bicycle and pedestrian facilities.

City and county circumstances vary, but most also report high levels of unmet need. High-growth areas and popular tourist areas are unable to fund capacity improvements to handle overwhelming increases in vehicle travel. At the same time, sparsely populated counties do not receive enough in state-shared highway revenues to cover basic maintenance costs on the many miles of road network that link communities.

Studded Tire Damage

Use of studded tires is currently legal in Oregon between November 1st and April 1st. Although improved winter tires are available, and some are certified by the ODOT for use as traction tires, many drivers prefer to use studded tires. The ruts created by studded tires on high-use routes can become deep enough to adversely affect driving, and when the ruts fill with water, hydroplaning and splash/spray conditions worsen. In its most recent analysis (2000), the ODOT estimated spending \$7.8 million a year to repair damage caused by studded tires without keeping up with the annual damage. An additional \$3 million was spent by cities and counties to repair studded tire damage.

Bonding for Transportation Project Construction

The 2001 and 2003 Legislative Assemblies passed funding bills known collectively as the Oregon Transportation Investment Act (**OTIA**).

The law enacted in 2001 authorized \$500 million in bonding authority for state and local highway improvement projects and increased vehicle title fees to provide a means of bond repayment. The 2003 law raised title fees further and also increased registration fees and truck weight-mile taxes to help finance a 10-year, \$2.5 billion highway improvement program. \$1.6 billion of the total was dedicated to bridge repair and replacement, including \$300 million for city and county-owned bridges (see the *Bridges Background Brief*). The 2003 law also authorized \$300 million in state highway modernization bonds.

Oregon has traditionally been a “pay as you go” state, not bonding to the extent of many states. This policy was based on the reasoning that pledging future revenue to bond repayment leaves less money for future projects. The decision to issue bonds for the OTIA projects was based on low interest rates, a source of new revenue dedicated to bond repayment, and a backlog of critical projects.

House Bill 2001 (2009) allocated \$960.3 million among 37 state highway projects and 12 local governments. These projects are in all five transportation regions of the state and include: \$192 million for the Newberg-Dundee bypass project on State Highway 99-W; \$100 million for the Sunrise Corridor State Highway 212; \$100 million for State Highway 62 near Medford; and \$80 million for the Beltline Highway in Eugene. The measure also authorized \$840 million in bonds for these projects; the balance will be paid with the additional transportation revenue raised by the bill.

Project Contracting

All state highway construction and preservation projects are contracted to the private sector. The traditional state contracting model is known as *design-bid-build*. Under this model, state engineers design a project, and the agency solicits bids to meet their specifications and selects the lowest responsible bidder to construct the project. State staff oversees and manages the project.

ODOT also uses the *design-build* contracting process. In this process, a bid is put out for both design and construction of a project. Bids can be submitted by a single entity, a consortium, a joint venture, or other organization assembled for a particular project. Design-build contracting is widely used throughout the United States and can reduce delivery time and related delays, simplify relationships, more quickly develop solutions and establish project costs, and decrease the number of construction contract changes.

Customary practice with design-build contracting is to rely on best value that takes into account both the technical capabilities and qualifications of the design build team and the cost of the bid. There is no universally accepted approach for determining best value. The request for proposals usually specifies the relationship between cost and technical factors.

Columbia River Crossing

Policymakers in both Oregon and Washington have undertaken development of a solution to one of the most significant bottlenecks on the Interstate 5 corridor: the Interstate Bridge between Portland and Vancouver. The Columbia River Crossing (CRC) is a bridge, transit and highway improvement project for five miles of I-5 between Victory Boulevard in Portland and State Route 500 in Vancouver. A 39-member CRC Task Force was formed in 2005 to assist in making several key decisions about the scope and features of the project, including a decision of whether to refurbish or replace the existing span. The locally preferred alternative currently under consideration includes five lanes in each direction; three of the lanes are to be for through traffic, with the other two for local access. Construction is expected to be completed by 2018 (*see Background Brief on Bridges for more information*).

Preservation First

Through policies and budget decisions, the Oregon Transportation Commission, the Governor, and recent legislatures have made preservation of the existing system their highest priority for use of available funds. Because of

tight funding, they also stress strategies of demand management and operational efficiency to extend the useful life of transportation facilities.

Maintenance Agreements

Agreements between governments for road maintenance and operation offer substantial savings in labor, equipment, and facilities. Existing agreements are widespread and varied, from joint purchasing and training to sharing equipment, co-locating facilities, and contracting with one another for activities such as ditching, lane striping, mowing, snow removal, and vehicle maintenance. Current agreements involve city, county and state maintenance operations.

House Bill 2001 (2009) directed ODOT to develop a six year pilot program for contracting out for highway maintenance services. ODOT identified a 26.5 mile segment of OR 219 for the pilot program, advertised the procurement process, and entered into the contract development process with a firm in June 2010. When the contract is signed, the firm will provide for the complete maintenance and operations of Oregon 219 between Scholls and Woodburn. Specific tasks may include road repair and maintenance, mowing, vegetation control, de-icing, snow removal, around-the-clock incident response, etc.

Road User Fees

The 2001 Legislative Assembly created a Road User Fee Task Force with the passage of House Bill 3946. The measure directed the task force to study revenue options and recommend a replacement for the current road tax system. The task force was created out of concern that the gas tax is a declining revenue source, especially over the long term given fuel efficiency improvements, plug-in hybrid and electric vehicle usage, and inflation. The task force developed the Oregon Mileage Fee concept as the most viable broad-based alternative to the gas tax. The concept integrated a mileage-based fee with gasoline tax collections.

Oregon's year-long pilot test in the Portland area beginning in March 2006 demonstrated that an electronically collected mileage fee could be technically feasible and might also be an efficient system for replacing the gas tax as the principal way the state funds the road system. For the test, an on-vehicle device within the vehicles of 299 volunteer participants connected with the odometer to tally miles driven within predetermined geographic zones. This mileage data was transmitted wirelessly at the fuel pump to a central computer where motorists paid mileage fees, in lieu of the gas tax, with their gasoline purchase. The pilot project was financed principally through a six-year, \$2.1 million federal grant.

ODOT recently redesigned the mileage fee collection system in response to public comment. The new design features an *open technology platform* where motorists choose their on-vehicle device—provided by third party providers—and manner of invoicing and payment. This allows for charging plug-in electric vehicles that pay no gas tax and gives motorists choices for privacy protection and therefore increases the likelihood of public acceptance.

The Road User Fee Task Force is expected to be reappointed in 2010 as House Bill 2001 (2009) repealed the sunset of the task force, making it permanent.

Innovative Finance

The Legislative Assembly created the Oregon Innovative Partnerships Program (**OIPP**) in 2003 as an alternative procurement program to foster the development of public-private transportation projects both through solicitation of projects and responding to project proposals developed by the private sector or other units of government.

Through OIPP, ODOT can contract for private sector services in transportation projects without the prescriptive conditions required by the regular government contracting requirements with two exceptions (overtime and prevailing wage for construction). OIPP contracting

flexibility allows ODOT and a private firm to share assets and risks.

Projects recently pursued under the authority of the Oregon Innovative Partnerships Program include:

- Outsourcing of maintenance for a section of state highway 219;
- Three solar highway projects;
- Train set purchase;
- Electric vehicle charging network; and
- Three toll roads, one in Yamhill County and two in Clackamas County.

Continuing Issues and Challenges

Congestion: Over 50 percent of urban freeways in Oregon are considered congested. Traffic congestion causes millions of dollars worth of delays for motorists and trucks annually and contributes substantially to fuel consumption and air pollution. House Bill 2001 (2009) included provisions for a pilot program to study the efficacy of congestion price tolling. A Congestion Pricing Advisory Committee has been formed to develop and implement the pilot project in the Portland metropolitan area. The study will investigate how time-of-day tolls and variable tolls can affect traffic congestion.

Freight: All modes of freight transportation have seen tremendous growth in the past 20 years, straining the capacity of port, highway, rail, and airport facilities. Moderate economic growth over the next 20 years is expected to double tonnage of import/exports nationwide and to increase domestic freight tonnage by 70 percent. Transportation delays affect the competitiveness of state and regional companies.

Traffic Safety: Oregon traffic safety laws are relatively strict, including special restrictions on teen drivers. When many states raised speed limits and relaxed motorcycle helmet requirements, Oregon retained them. A combination of laws, safer cars, better engineered roads, education, enforcement, and citizen behavior helped reduce annual traffic fatalities from highs between 700 (late 1960s) and 500 (early 1990s) to 416 fatalities in 2008. Though this progress is notable, the death toll is

tragic and preventable. The top three factors in fatal crashes are speeding, impairment from alcohol and drugs, and failure to wear a safety belt. The estimated economic impact of traffic fatalities in Oregon during 2008 was \$540.8 million; the estimated impact was \$2.44 billion for all traffic crashes (fatalities, injuries, and property damage).

Highway Patrol: Law enforcement is one of the keys to reducing loss of life and preventing the delays and costs attributed to traffic crashes. Patrol officers serve multiple roles such as sanctioning violators, responding to crash and crime scenes, and deterring law breakers by raising the perceived chance of being ticketed. Of continuing concern is the reduction in numbers of State Police highway troopers due to increasing demands on the state General Fund. In addition, county sheriffs' offices have reduced traffic patrol services due to the reductions in federal timber payments. Additional funding provided by the Legislative Assembly in 2007 allowed for the addition of 100 troopers.

Planning, Environment, Public Involvement: Passage of environmental and land use laws in the 1970s and growth pressures over two decades have added new dimensions to highway planning. Additional time and resources are directed to environmental safeguards and decision-making, including planning, public involvement, and interagency coordination. Transportation agencies are required to balance numerous opposing interests and priorities.

House Bill 2001 includes a number of planning and environmental initiatives. This paper has touched on two above (STIP Stakeholder review of project selection criteria and the congestion pricing pilot program). Other initiatives include:

- **Least-Cost Planning** - "Least-cost planning" is a process of comparing the direct and indirect costs of transportation demand and supply options to meet transportation goals, policies or both, where the intent of the process is to identify the most cost-effective mix of options. ODOT is working with stakeholders to develop a least-cost planning model for use as a decision-making tool.

- **Environmental Stewardship** – ODOT is incorporating environmental performance standards into the design and construction of all state highway construction projects, including local government projects funded by the department. In addition, the department will continue to improve the environmental permitting process.
- **Efficient Fee Study** - The Efficient Fee Study is an alternative approach to the biennial Highway Cost Allocation Study. The Efficient Fee Study will cover actual costs that users impose on the highway system, such as highway replacement cost, traffic congestion cost and cost associated with greenhouse gas emissions. The Department of Administrative Services, Office of Economic Analysis, will conduct the Efficient Fee Study in addition to the Highway Cost Allocation Study.
- **Greenhouse Gas Emission (GHG) Reduction Planning** - GHG reduction planning is a major initiative involving state agencies and local governments. HB 2001 directs the Land Conservation and Development Commission to develop GHG emission reduction targets for vehicles weighing less than 10,000 pounds (light vehicles) in the Portland metropolitan area by June 2011 and for the Eugene-Springfield area by 2013. Senate Bill 1059 (2010) extended establishment of reduction targets to the remaining metropolitan planning organizations. The emission reduction targets for light vehicles will help Oregon achieve the statewide GHG emission reduction goals for all sources set by the Legislative Assembly for 2050. The bill directs Metro, the metropolitan service district in the Portland area, to develop land use and transportation scenarios by 2012 to achieve the goals for light vehicle emission reductions. After public review, Metro will select one scenario and begin working with the local governments within its jurisdiction to amend land use and transportation plans.

LCDC's work will be supported by the Oregon Transportation Commission, ODOT, the Oregon Department of Energy and the Department of Environmental Quality. Metro's work will be

supported by ODOT and the Department of Land Conservation and Development.

The Metropolitan Planning Organization (MPO) Greenhouse Gas Emissions Task Force, created by House Bill 2186 (2009), developed recommendations to extend the GHG emission reduction planning to the other areas of the state that have an MPO (Salem-Keizer, Corvallis, Medford-Ashland, and Bend). The resulting legislation, Senate Bill 1059 (2010), directs state agencies and MPOs to work collaboratively to develop a statewide transportation strategy on GHG emissions, guidelines for the development of land use and transportation scenarios, a toolkit for use by local governments, and a public education campaign. ODOT and DLCD must, as part of this process, work with the MPOs to determine what resources will be needed for the land use and transportation planning scenarios and to identify potential sources of funding for any future work by the MPOs.

Traffic Management & Demand Management: Transportation planning requires strategies that increase highway capacity as well as those that increase efficiency and reduce demand, especially peak-period demand. Traffic management strategies include incident clearance, ramp metering, traveler information, and high-occupancy vehicle lanes. Demand management activities include promoting other modes of travel, ride-sharing, telecommuting, flex-hours, transit-oriented development, and efficient, inter-modal connections.

Access Management: Controlling the number of points of access to a highway is a proven way to move high volumes of traffic safely and efficiently. Interstate highways are examples of access-controlled facilities. Many state highways, however, function simultaneously as principal through-ways and as streets handling local traffic on local trips. In many cases, efforts to increase flow through a city have reduced local livability. In other cases, local development approvals have attracted traffic that overwhelms an existing state highway or interchange and seriously impairs its function. Access management includes a range of activi-

ties aimed at balancing the need for access to properties adjacent to a highway with efficient and safe traffic movement on the highway.

Senate Bill 1024 (2010) established criteria for requiring new approach permits for highway access when there are changes of use. The measure directed ODOT to adopt rules to lessen restrictions on access to highway segments that average 5,000 or fewer vehicles per day. The department is also directed to work with stakeholders to develop legislation for access management and report to the Legislative Assembly by January 1, 2011.

Deferred maintenance: ODOT periodically surveys pavement conditions on state-controlled highways. The 2008 survey results are shown below. The percentage of state highways in fair or better condition declined by two percentage points in comparison to the 2006 survey.

15%	Very Good
46%	Good
24%	Fair
15%	Poor

Deferring maintenance on any type of facility creates higher costs in the long run. This is especially true for road pavements because the surface layer protects underlying layers from water and freeze damage. ODOT estimates that if a section of pavement falls to a rating of “poor,” it is four to five times more costly to bring it to a “good” rating than it is to bring pavement in “fair” condition to a “good” rating.

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