

Transportation and Infrastructure



All-Terrain Vehicles

All-terrain vehicles, or ATVs, have seen changes in design and manufacture with technological improvements and rider behavior and preferences. Oregon law includes four classes of ATVs: Class Is are three- or four-wheeled and use straddle seating and handlebar steering; Class IIs are typically off-road versions of street-legal vehicles; Class IIIs are off-road motorcycles; and Class IVs are functionally similar to on-road vehicles but are smaller and built for off-road use. The statutory definitions for these classes reference maximum weight, wheel size, and types of equipment.

[Senate Bill 889](#) increases the maximum size of Class IV ATVs to reflect changes in the types of vehicles produced by manufacturers. It also decreases the maximum width and replaces existing requirements for windshield wipers with a requirement that the windshield be kept clear when operated off-road, and modifies definitions of Class I and IV to specify their being designed for off-road use. The recommendations were brought forward by the Oregon Parks and Recreation Department’s [ATV Advisory Committee](#).

Other legislation considered but not enacted included [Senate Bill 888](#) (*not enacted*), which would have required operators of certain ATVs to carry and present ATV operator permits and valid driver licenses when riding on public lands, and to complete safety courses and examinations. Two other measures would have permitted operation of ATVs on highways under certain circumstances, such as with county approval ([House Bill 2796](#), *not enacted*) or if the

Contents

[All-Terrain Vehicles](#)..... 1

[Aviation](#)..... 1

[Bridges](#) 2

[DMV](#) 2

[Electric Vehicles](#) 2

[Fuels and Fueling](#) 3

[Jurisdictional Transfers](#) 3

[Ports and Marine](#) 3

[Rail – Freight and Passenger](#) 4

[Roads and Highways](#)..... 5

[Transportation Taxes and Fees](#) 5

[Traffic Enforcement](#) 5

[Vehicle Dealers and Dismantlers](#) 6

See the 2023 **Legislative Summary Report** for [Transportation and Infrastructure](#), which highlights policy measures that received a public hearing during Oregon’s 2023 Regular Legislative Session.

vehicles had met specified standards to operate on roads ([House Bill 3248](#), *not enacted*).

Aviation

Airports play a major role in Oregon’s seismic resiliency planning, given the expected loss of infrastructure and need for emergency food and

supplies. [House Bill 3058](#) directs the Department of Aviation to develop a plan for strategic investments at Oregon airports to prepare for potential natural disasters, including earthquakes. The report will be delivered to the Legislative Assembly no later than January 1, 2024.

Advanced Air Mobility (AAM) refers to emerging technology designed to move people and/or cargo between places historically unserved by aviation, including within urban settings. Vehicles using AAM are likely to be capable of vertical takeoff, like a helicopter, and may be electric or hybrid vehicles. Efforts are underway in certain locations to develop terminals for these vehicles, known as vertiports. [House Bill 2834](#) prohibits local governments from granting exclusive rights to a single operator for development of vertiports or vertiport operations within their jurisdictions.

The Legislative Assembly considered [House Bill 2269 A \(not enacted\)](#) to grant the Oregon Department of Aviation rulemaking authority to set certain fees by administrative rule, and to adjust the fees periodically for inflation, which would have replaced statutory fees for activities such as aircraft registration, aircraft title transfer, and aircraft dealer licenses.

Bridges

Several major bridge projects are in various stages of planning, including: the Earthquake Ready Burnside Bridge Project in Portland; the Hood River-White Salmon Interstate Bridge Replacement Project; the Bridge of the Gods Seismic Strengthening Project in Cascade Locks; and the Interstate 5 Bridge Replacement Project on Interstate 5 in Portland. All four projects require both state and federal funding to complete.

[House Bill 5005](#) was amended to include a commitment to provide \$250 million over the next four biennia for \$1 billion in funding for the Interstate 5 Bridge Replacement Project. This

amount matches a similar commitment made the year before by the Washington Legislature for the project. [House Bill 3622 A \(not enacted\)](#) would have provided \$20 million each for the Hood River-White Salmon Bridge and the Burnside Bridge and \$6 million for the Bridge of the Gods. Funding for the first two of those projects was included in [House Bill 5030](#).

DMV

The Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT) is responsible for credentialing drivers to operate vehicles in Oregon and titling and registering those vehicles. With structural funding issues facing DMV, and in response to complications from the COVID pandemic limitations, [House Bill 2100](#) increases the maximum statutory fees for several services and documents provided by the agency. It also increases the maximum fee that vehicle dealers may charge for document processing as agents of DMV.

The transportation omnibus bill [House Bill 2099](#) includes provisions to align Oregon commercial driving statute with federal law; clarifies ODOT's authority to issue temporary permits and licenses; and clarifies the definition of "qualified provider" for driving tests.

Electric Vehicles

Oregon has several programs to help accelerate the proliferation of electric vehicles (EVs). One such program includes a timeline for state agencies to convert vehicle fleets to EVs. [House Bill 3550](#) modifies the program to specify that state agencies purchasing light-duty vehicles may only purchase zero-emission vehicles, effective January 1, 2025, except in cases where it will not be feasible to do so for the intended purpose.

Other state programs are intended to enhance the proliferation of EV charging infrastructure.



[Senate Bill 582](#) creates requirements and incentives to boost the Electric Vehicle Infrastructure Training Program (EVITP). It also specifies that agencies authorizing funding for EV infrastructure must utilize at least one electrician with EVITP certification, and at least 25 percent of electricians with such certification on projects supplying 25 kilowatts or more.

Other legislation introduced, but not enacted, would have enhanced the electric vehicle rebate programs created by [House Bill 2017](#) (2017). That program provides up to \$12 million per year for EV rebates to qualified buyers but is expected to have insufficient funds to meet demand beginning this year. [House Bill 2613](#) (*not enacted*) would have appropriated \$30 million from the General Fund to the Department of Environmental Quality (DEQ) to fund EV rebates. [House Bill 2571 A](#) (*not enacted*) would have directed DEQ to establish a rebate program to purchase electric bicycles.

Fuels and Fueling

For years, Oregon and New Jersey were the only two states that did not allow for self-service of gasoline at retail fueling stations. That changed in 2015, when Oregon provided for self-service in certain locations and under certain conditions. [House Bill 2426](#) extends self-service of gasoline statewide by allowing stations to set up to half of their pumps to operate as self-serve, while maintaining a requirement that stations continue to provide full service to at least half of their pumps in most of western Oregon. A second measure, [House Bill 3260](#), provides an exception for a single gas station in Detroit that is the only fueling station in a part of the state devastated by the September 2020 wildfires; this measure's provisions sunset in 2029.

The omnibus transportation measure, [House Bill 2099](#), includes provisions adding liquefied petroleum gas to use fuel statutes. It also revises volumes of compressed natural gas,

liquefied petroleum gas, liquefied natural gas, and hydrogen for taxation as use fuels. [House Bill 3550](#) directs the Department of Administrative Services to use biofuels, or electricity derived from biofuels, instead of diesel for new facilities or machinery.

Jurisdictional Transfers

Like many other states, Oregon is home to several prominent roads developed for significantly different purposes than they currently serve. Population growth and development patterns can result in different types and volumes of use. Local governments and the Oregon Department of Transportation (ODOT) have studied a number of potential transfers of jurisdiction for years; however, the transfer process can be complicated because it is often necessary to make significant and costly upgrades to a given highway facility prior to the transfer.

[House Bill 2793](#) directs ODOT to establish a Jurisdictional Transfer Advisory Committee, comprising 11 government and advocacy members. The advisory committee will solicit and review applications for potential jurisdictional transfers and annually select three applications to forward to the Joint Committee on Transportation for consideration.

[House Bill 2756 A](#) (*not enacted*) would have allocated \$50 million to the portion of Hall Boulevard within the City of Tigard to bring it to a condition of good repair, and then directed ODOT to transfer that road segment to the City of Tigard.

Ports and Marine

Oregon's system of public ports provides a gateway to world markets for many of Oregon's businesses and producers. While some ports seek to expand or broaden their operations, all ports rely on regular maintenance of their facilities to continue moving goods. Ports also



continue to grapple with disruptions to global shipping related to the pandemic.

[Senate Bill 814](#) establishes state policy to allow Oregon's public ports to coordinate, make agreements, and implement actions on subjects such as rates and charges, planning, management, and marketing operations, use of public port facilities, and other matters related to cargo and passenger service operations. This policy seeks to ensure there is no conflict with applicable state or federal antitrust laws.

Regarding port infrastructure, provisions included in the transportation omnibus bill [House Bill 2099](#) specify that the Oregon Department of Transportation may issue multimodal transportation grants, including grants for port facilities and infrastructure, through the Connect Oregon program at any time when at least \$50 million is available within the Connect Oregon Fund. [House Bill 3382](#) allows the International Port of Coos Bay to adopt an exception to land use planning goals related to estuarine resources for proposed port maintenance and improvement projects. Another measure, [Senate Bill 949](#) (*not enacted*), would have authorized ports to assess public bodies to share the cost of removing sediment from port waters where the public body owns or controls a culvert, creek, or other source that discharged water into port waters during the prior calendar year.

Finally, [House Concurrent Resolution 20](#) commemorates the 150th anniversary of the opening of the Willamette Falls Locks near Oregon City. While the locks system has been inoperative since 2011, the Willamette Falls Locks Commission completed an agreement to take ownership of the facility to restore operations.

Rail – Freight and Passenger

Oregon's rail transportation system comprises two Class I railroads and 17 short-line railroads, which move people and goods throughout the

state. Most of these railroads are privately owned and vary significantly in size and in tonnage of goods transported. The State of Oregon has limited funding sources for assisting railroads with infrastructure and maintenance. The omnibus transportation measure [House Bill 2099](#) includes provisions that specify that the Oregon Department of Transportation (ODOT) may issue multimodal transportation grants, including grants for rail facilities and infrastructure, through the Connect Oregon program at any time when at least \$50 million is available within the Connect Oregon Fund.

[Senate Bill 16](#) authorizes moneys from the State Rail Rehabilitation Fund to be expended on projects that increase capacity, improve safety, reduce greenhouse gas emissions, and provide state matching funds to leverage federal discretionary grant funding for rail projects. Another measure, [House Bill 3406](#), contains provisions regarding rail rehabilitation tax credits that eliminate the distinctions between short line railroads qualifying for the tax credit.

Several measures were introduced that would have addressed passenger rail service in Oregon. [House Bill 2691 A](#) (*not enacted*) would have directed ODOT to study options for expanding passenger rail service in Oregon, and required any multi-state agreement on high-speed passenger rail to include service to Eugene. [House Bill 2692](#) (*not enacted*) would have directed ODOT to work with the Washington State Department of Transportation and the British Columbia Ministry of Transportation and Infrastructure to develop plans to fund and operate rail transportation. [Senate Bill 846](#) (*not enacted*) would have directed Metro to study rail corridors within its boundaries to determine the feasibility of using them to carry passenger trains. And [House Bill 2662 A](#) (*not enacted*) would have established the Willamette Valley Commuter Rail Task Force to study the expansion of the Westside Express Service commuter rail line from Wilsonville to Salem.



Roads and Highways

Revenues from Oregon's state gasoline tax and weight-mile tax are divided between ODOT (50 percent), counties (30 percent) and cities (20 percent); an additional amount is provided to the smallest cities via grants from the Small City Account. Legislation enacted in 2023 was intended to provide additional flexibility to cities and counties in how they can spend their share of state and federal road funds. Provisions of [House Bill 2099](#) specify that moneys allocated from the Small City Account may be used on projects required for compliance with state and federal law, and clarifies that all moneys in the Account are to be expended. [House Bill 2101](#) directs ODOT to allocate \$35 million per year to replace federal surface transportation funds received by local governments on a dollar-for-dollar basis to provide flexibility in using those funds.

Transportation Taxes and Fees

[House Bill 2100](#) increases the maximum fees that can be assessed by the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation for a variety of services and documents related to driving privileges, vehicle ownership, and vehicle registration. The measure also increases the maximum fee that vehicle dealers may charge for document processing.

The [Highway Cost Allocation Study](#) (HCAS) is performed every two years. It is used to balance revenues from gasoline taxes and weight-mile taxes to reflect the relative impact of light and heavy vehicles on the cost of maintaining and improving Oregon's road system. [House Bill 3406](#) revises the requirements of the HCAS to include an examination of the most recent study to determine the accuracy of published results. The measure also directs the Department of

Administrative Services to analyze the last three iterations of the study to evaluate their accuracy.

[House Bill 3297](#) (*not enacted*) would have made participation in Oregon's per-mile road usage charge program mandatory for all passenger vehicles model year 2028 and later with an MPG rating of 30 or greater, effective July 1, 2027. The state has operated a voluntary road usage charge program, [OReGO](#), since 2012, in which participants pay an amount based on the number of miles traveled on Oregon roads. The program currently has fewer than 1,000 participants.

Traffic Enforcement

Oregon law currently provides for three different types of photo enforcement of highway speed laws. The oldest of these methods allows 10 cities to use photo radar to issue citations for speed violations within their jurisdictions. [House Bill 2095](#) expands this authority to any city in Oregon that chooses to use the technology and eliminates the statutory limit of four hours of operation per day per location.

The Legislative Assembly granted the City of Portland authority to establish designated speeds below the statutory speeds for certain residential streets and arterials; it later extended this authority to all cities. [House Bill 2095](#) allows cities to modify speed limits on certain roads under their jurisdiction to up to 10 miles per hour lower than the statute guidelines, provided that the new posted speed is not less than 20 miles per hour. [House Bill 3188](#) grants the same authority to Marion County for roads under its jurisdiction.

[Senate Bill 422 A](#) (*not enacted*) would have allowed motorcycle operators to travel between lanes under certain conditions. A similar measure made it to the governor's desk in 2021 and was vetoed by Governor Brown.



Vehicle Dealers and Dismantlers

slot to be filled by either a chief of police or a county sheriff.

Vehicle dealers in Oregon are allowed to utilize special vehicle transporter plates for trucks that transport vehicles to dealerships for sale. Provisions of the transportation omnibus bill, [House Bill 2099](#), limit the number of special vehicle transporter plates that any single business may hold to 10; the measure also prohibits the use of vehicle transporter plates outside of the State of Oregon.

Many vehicle dealers in Oregon are registered as agents of the DMV to process paperwork for titling and registration of vehicles. The fees that dealers may charge for these services is set in statute. [House Bill 2100](#) increases the maximum fee that vehicle dealers may charge for document processing. It also modifies the amount to be paid by a dealer to an integrator (a person who enters into a contract with ODOT to process documents). [House Bill 3080](#) directs ODOT to adopt rules to allow vehicle dealers and financial institutions to submit vehicle titles related to vehicle sales electronically and permits dealers to retain title records in electronic format.

ODOT regulates towers and towing companies through the State Board of Towing (Board), which the Legislative Assembly established in 2021. [House Bill 3583](#) modifies the membership of the Board by allowing the law enforcement

Staff

Patrick Brennan, Legislative Analyst

Legislative Policy and Research Office

Oregon State Capitol | (503) 986-1813 | www.oregonlegislature.gov/lpro

Please note that the Legislative Policy and Research Office provides centralized, nonpartisan research and issue analysis for Oregon's legislative branch. The Legislative Policy and Research Office does not provide legal advice. Legislative Summary Briefs contain general information that is current as of the date of publication. Subsequent action by the legislative, executive, or judicial branches may affect accuracy.

