

TRANSPORTATION AND INFRASTRUCTURE



ALL-TERRAIN VEHICLES

The Oregon Department of Parks and Recreation brought legislation to address operational requirements of all-terrain vehicles (ATVs), as well as modification of the definition of some ATVs to address shifts in the consumer marketplace. [Senate Bill 106](#) (*not enacted*) would have created the offense of failure to carry an ATV operator permit and/or present it to police upon request. It also would have required all persons age 16 and up operating a Class IV ATV (typically called a side-by-side) to complete a safety education course and to also carry a valid driver license and ATV operator permit. [Senate Bill 107](#) (*not enacted*) would have modified the definition of Class IV ATVs by removing references to maximum engine size and eliminating the windshield wiper requirement.

AUTONOMOUS AND ELECTRIC VEHICLES

During the 2021 Session, a number of bills were introduced to advance the proliferation of electric vehicles and electric vehicle charging infrastructure throughout Oregon. Two measures enacted allow electric public utilities to recoup the costs of transportation electrification from retail customers: [House Bill 2165](#) and section 21 of [House Bill 3055](#). Another measure, [Senate Bill 542 A](#) (*not enacted*) would have established a Task Force on Vehicle Charging Stations to further efforts to provide additional charging locations on public property throughout the state.

The Legislative Assembly initiated Oregon's electric vehicle rebate program with the passage of [House Bill 2017](#) (2017). [House Bill 2165](#) also expands Oregon's electric vehicle rebate programs by eliminating the sunset on use of moneys from the vehicle privilege tax instituted in 2017 (the funding was to sunset in 2024) and doubling the maximum rebate for the Charge Ahead program from \$2,500 to \$5,000. The measure also increases the maximum retail price for hydrogen fuel cell vehicles to be eligible for rebates from

CONTENTS

- [All-Terrain Vehicles](#)
- [Autonomous and Electric Vehicles](#)
- [Aviation](#)
- [Bicycle/Pedestrian](#)
- [DMV](#)
- [Fuels](#)
- [Parking](#)
- [Public Transportation](#)
- [Rail and Multimodal Transportation](#)
- [Roads and Highways](#)
- [Taxes and Fees](#)
- [Tolling and Congestion Pricing](#)
- [Traffic Enforcement](#)
- [Utilities](#)

See the [2021 Legislative Summary Report for Transportation and Infrastructure](#), which highlights policy measures that received a public hearing during Oregon's 2021 Regular Legislative Session.

\$50,000 to \$60,000. Another measure, [House Bill 2182](#) (*not enacted*) would have directed the Oregon Department of Environmental Quality (DEQ) to conduct outreach efforts to expand public awareness of the electric vehicle rebate programs.

The Department of Consumer and Business Services (DCBS) adopted Electric Vehicle (EV) Ready Parking standards in 2017. [House Bill 2180](#) requires the director of DCBS to amend the state's building code to require that new construction of certain buildings, such as privately owned commercial buildings, multifamily residential buildings, and mixed-use structures, include provisions for electrical service capacity for a percentage of electric vehicle charging parking spaces. [House Bill 2290](#) (HB 2290) requires

TRANSPORTATION AND INFRASTRUCTURE

the Oregon Parks and Recreation Department (OPRD) to allow for the installation and service of public electric vehicle charging stations at parking areas of state park facilities. HB 2290 also establishes the Parks and Recreation Transportation Electrification Fund, and authorizes OPRD to seek gifts, grants, and donations to provide for electrified parking spaces at state park facilities.

AVIATION

The Legislative Assembly considered several bills with the potential to impact moneys flowing into the Oregon Department of Aviation, as well as how the Department distributes those moneys in terms of grants to airports. [Senate Bill 38](#) grants the Oregon Department of Aviation rulemaking authority to establish a fee to cover the cost of evaluating tall structures to determine whether they will interfere with the flow of air traffic over Oregon airports. Currently, the Department conducts such inspections on buildings, towers, signage, wind turbines, and cranes, and does not collect a fee to cover its costs for the evaluation.

The legislature took action to make permanent a temporary aviation fuel tax increase in order to maintain the program that was created with the revenues from the tax. [House Bill 2434](#) eliminates the sunset on the two-cent rate increase in jet fuel taxes and aviation gasoline taxes that was instituted in 2015 and scheduled to sunset in 2022. The measure also revises provisions related to the grant programs administered by the Oregon Aviation Board that are funded by the two fuel taxes.

BICYCLE/PEDESTRIAN

Oregon law requires at least one percent of State Highway Fund revenues be expended on bicycle and pedestrian facilities within the public right of way. Legislation enacted in 2017 provided a dedicated funding stream, in the form of a bicycle excise tax, to pay for bicycle and pedestrian facilities that lie outside of the highway right of way. [House Bill 3055](#), sections 34 and 35, modify the definition of “bicycle” for purposes of the bicycle excise tax that was established by [House Bill 2017 \(2017\)](#). The tax of \$15

on qualified bicycles funds grants for construction of off-road bicycle and pedestrian trails administered by the Oregon Transportation Commission.

[Senate Bill 395 \(not enacted\)](#) would have increased the required State Highway Fund expenditure on footpaths and bicycle paths located on highway rights of way from one percent to five percent. The measure, which would also have modified the duties of the Bicycle and Pedestrian Advisory [Committee](#).

DMV

A number of bills brought forward in 2021 had the potential to modify programs administered by the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT). Two addressed industries regulated by DMV, the first being [Senate Bill 300 \(SB 300\)](#), which establishes a State Board of Towing within the Oregon Department of Transportation (ODOT). SB 300 also grants authority to issue, revoke, or suspend towing certificates to the Board; authority that was previously held by ODOT’s Driver and Motor Vehicle Services Division. The measure also establishes the State Board of Towing Account. The second measure, [House Bill 3324 \(not enacted\)](#), would have removed DMV oversight of vehicle dealers by establishing an Oregon Vehicle Industry Board to regulate licensed dealers of new and used vehicles.

Two measures not enacted would have created new funding programs. Abandoned recreational vehicles have become a growing burden on property owners and towing companies. [Senate Bill 466 \(not enacted\)](#) would have created the Abandoned Vehicles Recreational Vehicle Disposal Revolving Account and increased fees to title and register recreational vehicles to pay for the cost of disposing of abandoned recreational vehicles.

Introduced to increase the number of persons registered as organ donors, [House Bill 2506 \(not enacted\)](#) would have created the Organ Donor Registry and Public Awareness Fund, and would have directed ODOT to accept donations of \$3 or more to the Fund as part of DMV operations and transactions. Moneys raised would have been transferred to the

TRANSPORTATION AND INFRASTRUCTURE

nonprofit entity Donate Life Northwest to fund a public outreach campaign to inform the public about organ donation.

[House Bill 2137](#) makes numerous changes related to ODOT's Driver and Motor Vehicle Services Division to address the COVID-19 pandemic and to lessen the workload on the Division. These changes include: prohibiting law enforcement from issuing citations for credentials that have been expired for fewer than six months; exempting individuals from knowledge tests if they hold a license from another jurisdiction; eliminating redundant driver knowledge tests; and allowing driver license renewal up to two years following expiration of a similar license, as opposed to the current limit of one year.

[House Bill 2498](#) allows a vehicle owner who is deaf or hard of hearing to request that information be included on the vehicle registration of the owner's hearing impairment. The program is intended to inform law enforcement of the person's status prior to engaging the driver during a traffic stop.

Sections 102 to 124 of [House Bill 3055](#) make general revisions of Oregon's motor carrier statutes to align state law with changes to federal motor carrier laws. These changes are required for Oregon to remain within the interstate compact that governs commercial driving in the United States.

FUELS

The 2021 Session saw several bills to encourage the increased use of alternative fuels that contain lower carbon intensity than gasoline and diesel, in order to continue to move toward meeting the state's clean air and greenhouse gas reduction goals. [House Bill 3051](#) provides for the retail sale of gasoline in Oregon with an ethanol content exceeding 10 percent. Under current law, Oregon gas stations are required to sell gasoline that contains 10 percent ethanol but may not exceed that percentage; this measure changes the requirement to a floor, which will allow the sale of gasoline that contains 15 percent ethanol or higher.

[House Bill 3055](#), section 23, authorizes the Public Utility Commission to allow natural gas utilities to

recover costs from all retail natural gas customers for investments and expenses related to infrastructure measures to support adoption of alternative fuel vehicles powered by renewable natural gas or hydrogen. The program is to support reduction in transportation sector greenhouse gas emissions, per state reduction targets.

PARKING

Two bills were introduced to improve public access to parking when visiting the Capitol and to reduce the cost to citizens of meeting with their elected officials. [Senate Bill 361](#) (*not enacted*) and [Senate Bill 607](#) (*not enacted*) would have authorized the Legislative Administration Committee to assign authority over parking spaces adjacent to the Oregon State Capitol to provide the public with greater access to the building when testifying or petitioning their elected legislators. SB 607 would also have allowed the Committee to provide free parking permits to visitors of the Capitol.

PUBLIC TRANSPORTATION

Legislation was brought forward to improve transit service and to address labor issues related to transit agencies. [Senate Bill 332](#) (*not enacted*) would have imposed minimum service requirements on TriMet, the public transit provider for the Portland metro region and the largest transit provider in the state. The measure specified a minimum level of service between 7:00 a.m. and 11:00 p.m. daily and frequency of at least one stop per hour along arterial roadways. The measure would also have prohibited TriMet from imposing employer payroll taxes on employers whose place of business is more than one mile from a transit route. TriMet currently operates an apprentice program to train new maintenance workers. [Senate Bill 429](#) (*not enacted*) would have required TriMet to continue to operate a state-authorized apprenticeship program. Penalty for failure to do so would have been withholding of funds from the Statewide Transportation Improvement Fund, which was created in 2017 to provide formula and competitive grants to fund enhancements to public transit programs.

TRANSPORTATION AND INFRASTRUCTURE

Several transit agencies participated in the now-discontinued transportation energy tax credit program before they were able to utilize the tax credits earned in the program. [House Bill 3056](#) (*not enacted*) would have directed DEQ to convert transportation energy tax credits to clean fuels credits for certain public transportation providers that have unused and expired transportation energy tax credits. The measure was not moved forward, but an alternate solution was provided administratively through the use of American Rescue Plan Act funds.

RAIL AND MULTIMODAL TRANSPORTATION

The term ‘multimodal transportation’ refers generally to non-highway methods of moving goods and persons, including rail and marine. [House Bill 2564](#) establishes the Willamette Falls Locks Authority as a public corporation to work toward reinstatement of the Willamette Falls Locks near Oregon City. The locks were constructed in 1915 and placed on the National Register of Historic Places in 1974, but have been inoperable since 2011. The Authority replaces the Willamette Falls Locks Commission, which is sunset by the measure.

The threat of a catastrophic earthquake toppling bridges and closing navigation on the Columbia River was the impetus for introducing [Senate Bill 826](#) (*not enacted*), which would have appropriated \$1.9 million from the General Fund to repair and upgrade the Salvage Chief (LSM 380), currently a museum but formerly a repair and salvage vessel. The purpose would have been to reinstate the Salvage Chief as a response vessel in the event of a seismic event.

Railroad-highway grade crossings are a potential hazard for both trains and automobiles. [House Bill 3339](#) (*not enacted*) would have authorized the Oregon Department of Transportation to impose a civil penalty for willfully obstructing, blockading, interfering with, or preventing the use of a railroad-highway grade crossing for more than 10 consecutive minutes, with exceptions. The maximum fine for violations would have been \$3,000 for the first violation; the Department would have been granted rulemaking authority to set fines for second and subsequent violations.

Changes to the Connect Oregon multimodal grant program, established in 2005 and modified by [House Bill 2017](#) (2017), have resulted in the program going unfunded for six years. [House Bill 3392](#) (*not enacted*) would have established a Short Line Resiliency Program within the Oregon Business Development Department. The measure also would have appropriated \$5 million in Lottery Bond proceeds to the Program for purposes of issuing grants to support short line railroad infrastructure projects. The program was intended to create a short-line-specific grant program similar to the Connect Oregon Program that was instituted in 2005, but which has not been funded since 2015.

ROADS AND HIGHWAYS

The Legislative Assembly considered moving forward the Interstate 5 Rose Quarter project and Interstate 205 Abernethy Bridge and lane widening projects outlined in [House Bill 2017](#) (2017). [House Bill 3055](#), sections 130 and 131, revise statutes that specify how \$30 million per year in motor fuel taxes currently dedicated to the Interstate 5 Rose Quarter Project are to be expended. The measure also provides that those proceeds can be used to fund improvements on Interstate 205 between Stafford Road and Highway 213, the Interstate 5 Boone Bridge and Seismic Improvements project near Wilsonville, and implementation of tolling programs.

There were also several pieces of legislation that addressed the construction, maintenance, and operation of smaller-scale transportation projects. [House Bill 3304](#) directs the Oregon Department of Transportation to provide a progress report on the implementation of recommendations contained in the report titled “Blueprint for Urban Design.” The measure was originally intended to require examination of the impact that major highways can have on downtown districts of rural towns.

[House Bill 2744](#) (*not enacted*) would have directed the Oregon Department of Transportation to conduct a statewide study of possible jurisdictional transfer of roads. A number of roadways have seen a significant change of usage in the last few decades, resulting in some no longer being under the jurisdiction of the

TRANSPORTATION AND INFRASTRUCTURE

most appropriate road authority. The measure would also have created an Oregon Highway Jurisdictional Transfer Fund to pay for the cost of upgrading and transferring jurisdiction of highways.

TAXES AND FEES

Legislation was introduced to find ways to provide sustainable and increased funding for both highway uses, and river uses. [House Bill 2342 A](#) (*not enacted*) would have repealed, in 2029, the voluntary road usage charge program, also known as OReGO, and made the program mandatory to all vehicles of model year 2027 or later with a mileage rating of 30 mpg or greater beginning in 2026. Vehicle owners and lessees would have been given the option to pay a flat fee in lieu of participation until June 2031, at which time the flat fee option would have been repealed. The measure also would have commissioned two studies to be conducted.

Two bills would have increased fees on boat operation to fund programs for invasive species and derelict vessel removal. [Senate Bill 740](#) (*not enacted*) would have increased the registration fee on sailboats of 12 feet in length or greater and for all motorboats. Proceeds from the increased fees would have been used equally for the Aquatic Invasive Species Prevention Fund and the Salvaged Vessel Subaccount. [Senate Bill 840](#) (*not enacted*) would have authorized counties to impose a county boating registration fee to fund the disposal of derelict vessels. Like Senate Bill 740, the fee would have been applicable to sailboats over 12 feet in length and all motorboats.

TOLLING AND CONGESTION PRICING

[House Bill 2017](#) (2017) directed the Oregon Transportation Commission to impose congestion pricing on the state's two major north-south interstate highways in the Portland metropolitan region. [House Bill 3055](#) (HB 3055) generally revises and modernizes state statutes related to tolling and congestion pricing, abolishing the Congestion Relief Fund and State Tollway Account and replacing them with the Toll Program Fund. The measure modifies statutes related to toll infrastructure, collection, use of toll revenues,

and financing of tollway projects, and addresses traffic impacts on nearby highways that result from imposition of tolls. HB 3055 does not authorize tolls on Oregon roads, as that authorization was enacted during previous sessions.

TRAFFIC ENFORCEMENT

Current law specifies cities that wish to modify speed limits on roads under their jurisdiction must seek approval from the Oregon Department of Transportation. [House Bill 3055](#), section 81, allows the Oregon Department of Transportation to delegate, by rule, its authority to establish speed limits on certain roads under the jurisdiction of cities or Clackamas or Multnomah counties. The Department may delegate authority only if it is determined that the local government will exercise its authority according to criteria adopted by the Department.

Two measures were introduced to make photo enforcement of speed limits and traffic control devices easier for local governments. [House Bill 3357](#) (*not enacted*) would have allowed authorized traffic enforcement agents to issue and review citations based on photo red light cameras. [House Bill 2019](#) (*not enacted*) would have authorized the City of Unity to operate photo radar on a portion of U.S. Highway 26.

Vehicle visibility is often a factor in traffic crashes. [Senate Bill 166 A](#) (*not enacted*) would have required use of vehicle headlights, or daytime running lights, at all times when operating a motor vehicle on public highways. Motorcycle advocates sought to improve safety and convenience for riders with the introduction of [Senate Bill 574](#) (*vetoed*), which would have allowed motorcycle operators to travel between lanes of multi-lane highways during conditions where the flow of traffic is stopped or moving at 10 miles per hour or less.

[House Bill 2538](#) (*not enacted*) would have modified the statutory prohibition on excessive vehicle noise amplification devices on motor vehicles. Current law specifies maximum allowable noise levels, measured in decibels at a distance of 25 feet, from motor vehicle exhaust systems. The measure would have replaced this system with generalized language prohibiting

TRANSPORTATION AND INFRASTRUCTURE

excessive or unusual noise, and prohibitions against cutout and bypass devices or modifications of exhaust systems that might increase vehicle noise.

UTILITIES

Two bills were brought forward to better coordinate transportation construction projects with utility infrastructure construction and maintenance. [House Bill 2411](#) requires the Oregon Department of Transportation to notify telecommunications providers when road projects within the Statewide Transportation Improvement Program (STIP) may allow for installation of underground broadband infrastructure. The measure is to allow for installation of underground broadband infrastructure while the roadway is already under construction, thereby reducing the cost and disruption of the installation.

[House Bill 3049](#) (*not enacted*) would have authorized counties to charge a fee for a permit to construct utility lines and fixtures in highway rights of way. The measure would also have authorized counties to charge utilities for costs incurred for failure to relocate facilities in the right of way that lead to road closures.

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