

LEGISLATIVE SUMMARY 2007

74th Oregon Legislative Assembly



Legislative session concludes — ODOT ready to move forward

The Oregon Legislature ended its 2007 session on June 29, and with an approved budget and some exciting initiatives ahead of us, ODOT is ready to move forward in accomplishing our mission. Altogether, there were 2,919 bills, memorials and resolutions introduced in this session; in the end, the 2007 Legislature passed 982 bills, memorials and resolutions. Many of these directly or indirectly affect ODOT; we will know more as the new laws are codified into the Oregon Revised Statutes. The 2007 edition of the ORS is scheduled for distribution in January 2008.

In the meantime, ODOT will continue delivering a safe, reliable and efficient transportation system for Oregonians. With 2007 legislation, we made significant strides in several key areas, such as safety, with new laws aimed at protecting bicyclists, child passengers and motorists and workers in highway work zones, among others. We will be working with the Oregon State Police and other jurisdictions to put together the first work zone radar pilot project, employing technology to improve safety. We will evaluate the program and report the results to the Legislative Assembly in 2009 and 2011.

Building on successes

In the area of success breeds success, *ConnectOregon II* received overwhelming support, in part because of ODOT's role in the successful implementation of the first *ConnectOregon* initiative. This second edition provides another \$100 million in lottery-backed bonds to invest in multimodal transportation, such as freight, rail, air, marine and public transit, throughout the state. In addition, the legislation authorizes ODOT to conduct a statewide multimodal study of the transportation system. This effort will assess the infrastructure, capacity demands and constraints, development of strategic investment, returns on investment, and identification of potential funding sources and strategies.

We also secured legislation to reinstate Oregon's ability to regulate billboards and other signs on private property along our state highway system. You may recall in March 2006, the Oregon Supreme Court ruled that certain components of the state's regulations violated the free speech provisions of the Oregon Constitution. Oregon will now be allowed to keep existing regulations in place but will change the grounds upon which signs subject to those regulations are classified. Further, this legislation ensures that Oregon will continue to comply with the Federal Highway Beautification Act and will in no way compromise the receipt of its full share of federal highway funds.

With the final passage of House Bill 2272, DMV will help ensure new vehicle compliance with the auto emission standards adopted by the Environmental Quality Commission for model years 2009 or later. This also allows Oregon

automobile dealers to remain competitive with states that have less stringent standards.

Helping the General Fund

ODOT's work in the 2007 legislative session helped lighten the load on the state's General Fund. New legislation creates funding to operate one of the Amtrak Cascades passenger trains in the Willamette Valley by dedicating to it revenue from the sale and renewal of custom license plates.

We brought our tolling statutes up-to-date with legislation that enables the construction of modern toll facilities in Oregon. It authorizes the use of electronic toll collections and photo enforcement for roads and bridges within the toll way, replacing language that spoke only to tollbooth and tollgate collections.

Finally, when the legislature approved our budget, it required ODOT give some \$56 million to counties to help make up for their loss of timber revenues. In the coming months, you'll be hearing more from me about how this financial decision affects the way we conduct business.

Earning respect

Throughout the 2007 session, I heard repeatedly from both chambers and from all parties that ODOT is performing well; ODOT is accountable; and ODOT is respected. Our focus on continually improving safety, maximizing the tax dollars available to us, and delivering on our investments has been and will continue to be recognized. We all have much to be proud of – and more opportunities than ever before to show Oregonians how dedicated we are to working for them.

Keep up the outstanding work!

A handwritten signature in black ink, appearing to be 'H. J.', written in a cursive style.

If you have questions about any of these bills, please contact the legislative coordinator for the division that is implementing the legislation:

- Central Services Division Barry Nathan 503-986-6383
- Driver and Motor Vehicle
 Services (DMV) Jack Evans 503-986-3644
- Highway..... Amy Joyce 503-986-3546
- Motor Carrier Transportation Jim Brock 503-373-1578
- Public Transit..... Michael Ward 503-986-3413
- Rail Cary Goodman 503-986-4230
- Transportation Safety Kelly Hampton 503-986-3293
- Transportation Development Connie Sparks 503-986-4204

Questions may also be directed to the implementation manager for a bill or to Robin Freeman at 503-986-3444 or Victor Dodier at 503-986-3422 in ODOT's Government Relations Section. The implementation managers are listed in the summary for those bills that require ODOT to take action. If no implementation manager is listed, no tasks are required to implement the new law. Many bills are listed simply to alert you that the law was changed.

Copies of enrolled bills (the edition that the Governor signs) or additional copies of this legislative summary document may be obtained by calling Judy Banegas in ODOT's Government Relations Section at 503-986-3502. Copies of enrolled bills may be found on the legislative web site (<http://www.leg.state.or.us/searchmeas.html>).

This 2007 Legislative Summary is available at the ODOT internet and intranet Web sites.

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LEGISLATION PASSED

HOUSE BILLS

License, Title and Registration upon Residency

House Bill 2034

Effective Date: January 1, 2008

HB 2034 requires that a person title and register vehicle(s) in Oregon and obtain an Oregon driver license within 30 days of establishing residency in Oregon. Under current law, a new resident must accomplish these tasks when he or she establishes residency in Oregon.

HB 2034 may provide an enforceable timeframe. New residents may title and register vehicles and may obtain Oregon driver licenses sooner than otherwise.

Illegal Display of License Plate

House Bill 2119

Implementation Plan Manager: Dennis Ward, DMV, 503-945-8901

Effective Date: January 1, 2008

HB 2119 revises the criteria for illegally displaying a registration plate. Under ORS 803.550, it is a Class B traffic violation to alter a vehicle registration plate, but there is nothing that specifically prohibits the display of plates or registration tags on a vehicle other than the one for which they were issued. A person who places a plate on a vehicle different from the one for which it was issued or who places registration stickers that show an expiration date different from the one shown in DMV records would commit the offense. The bill includes provisions that allow vehicle dealers to operate vehicles displaying the dealer's plates.

Address Confidentiality Program

House Bill 2131

Implementation Plan Manager: Debi Mercer, DMV, 503-945-0879

Effective Date: June 22, 2007

HB 2131 revises the Department of Justice Address Confidentiality Program which enables crime victims to protect their personal contact information. The bill extends protection for personal information that currently exists in the Oregon Vehicle Code. Under HB 2131, a participant in the Address Confidentiality Program may use the substitute address for the Program when applying for a driver license or identification card or registering a motor vehicle.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Highway	\$4,800	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Denial of Driving Privileges for Minors

House Bill 2147

Implementation Plan Managers: Tami Boss, DMV, 503-945-5502
Sue Riehl, Transportation Safety, 503-986-4197

Effective Date: January 1, 2008

HB 2147 was pre-session filed on behalf of the Attorney General's Underage Drinking Task Force.

This bill makes the range of ages used to define a "minor" consistent with the range used for other alcohol related offenses. The bill extends the range for a court to deny driving privileges for offenses involving alcohol or controlled substances from ages 13-17 to ages 13-20. Under current law, the courts are required to send ODOT a court order of denial of driving privileges when a minor is convicted of any such offense.

Transfer Determination of Medical Eligibility for Driver License to DMV

House Bill 2176

Implementation Plan Manager: Tami Boss, DMV, 503-945-5502

Effective Date: January 1, 2008

This bill moves the responsibility for determining medical eligibility for driver licensing from the State Health Officer to a medical determination officer at the Department of Transportation. Under current law, the State Health Officer at Department of Human Services reviews ODOT's determinations that a person is not eligible for a driver license because of a medical or physical impairment or approves medical waivers for Commercial Driver Licenses. Under HB 2176, these reviews will be conducted by a medical determination officer employed by ODOT. HB 2176 entitles a person who is denied a license by reason of impairment to a contested case hearing to ensure that applicants for driver licenses have due process.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	(\$2,619)	(\$18,226)
Effect on Revenues		\$0	\$0
Effect on FTE		.38	0.5

Board of Maritime Pilots Transfer to PUC

House Bill 2243

Implementation Plan Manager: Darryl Ficker, Central Services, 503-986-3918

Effective Date: July 16, 2007

HB 2243 streamlines state agency processes. The bill allows state agencies that issue licenses, permits and certificates to determine expiration dates by administrative rule. It also allows administrative rules to be changed without prior notice or hearing when division, office or program name, address, or phone numbers change.

Sections 63 to 73 of HB 2243 transfer administrative responsibility for the Oregon Board of Maritime Pilots from the Oregon Department of Transportation to the Public Utility Commission. The Board is responsible for licensing of the maritime pilots that guide ocean-going vessels over coastal bars and on the Columbia and Willamette Rivers. The Public Utility Commission handles the Board's rate hearings currently.

The fiscal impact summarized below shows the expenditures approved for the Board within ODOT's 2007-2009 legislatively-approved budget that is being transferred to the PUC. The Board's expenses are fully supported by a license fee paid by maritime pilots (see [HB 2277](#), page 6)

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	(\$277,046)	(\$277,046)
Effect on Revenues		(\$277,046)	(\$277,046)
Effect on FTE		(1.00)	(1.00)

Revocation of Driving Privileges – School Bus Endorsement

House Bill 2266

Implementation Plan Manager: Mary Liedtke, DMV, 503-945-5197

Effective Date: January 1, 2008

HB 2266 mandates that ODOT notify the Department of Education (ODE) whenever the driving privileges of an individual with a school bus endorsement are suspended, cancelled or revoked. The bill will improve the notification process to ensure that the ODE is informed when adverse actions are taken against drivers with a school bus endorsement.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$27,900	\$0
Effect on Revenues		\$27,900	\$0
Effect on FTE		0	0

Instruction Driver Permit Renewal

House Bill 2267

Implementation Plan Manager: Dennis Ward, DMV, 503-945-8901

Effective Date: January 1, 2008

HB 2267 allows the department to renew an instruction permit. ODOT is directed to issue a renewal if the holder qualifies for a permit and if the permit holder applies within one year of the expiration date or within six months after discharge from the Armed Forces. The department is allowed to waive the driver permit examination for a permit renewal. The current fee for issuance of an instruction driver permit is \$18, and HB 2267 establishes the same fee for a permit renewal. The bill will enable the department to improve its customer service for the approximately four percent of the people who hold instructional permits that apply for a renewal each year.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$12,500	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Commercial Driver License

House Bill 2268

Implementation Plan Manager: Valerie Schoenfeldt, DMV, 503-945-5242

Effective Date: January 1, 2008

House Bill 2268 makes technical revisions to the Oregon statutes that govern commercial driver licenses. The revisions bring Oregon into compliance with the federal motor carrier safety laws and clarifies statute. The bill eliminates the risk that Oregon would be penalized for non-compliance and lose the federal funds that are used to enhance motor carrier safety.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$39,250	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Registration Weight

House Bill 2271

Implementation Plan Manager: Mary Liedtke, DMV, 503-945-5197

Effective Date: April 17, 2007

HB 2271 adds the term "loaded weight" to the definition of "registration weight" that is used to determine motor vehicle registration fees. Single vehicles that can weigh more than 10,000 pounds when loaded should pay higher registration fees than the \$27 per year paid by passenger vehicles. The bill corrects earlier omissions and ensures Legislative intent that heavier single vehicles pay appropriate registration fees.

Auto Emissions Compliance

House Bill 2272

Implementation Plan Manager: Jeff Wheeler, DMV, 503-945-0866

Effective Date: January 1, 2008

HB 2272 authorizes the Oregon Department of Transportation to deny an application for Oregon registration of a vehicle that does not comply with the auto emission standards adopted by the Environmental Quality Commission for model years 2009 or later (the "Clean Car Rule"). The requirement also applies to 2009 or later model year vehicles that have 7,500 or fewer miles at the time of Oregon registration. The bill allows Oregon automobile dealers to remain competitive with dealers in states that have less stringent auto emission standards.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$11,585	\$ 2,680
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Outdoor Sign Program (Oregon Motorist Information Act)

House Bill 2273

Implementation Plan Manager: Amy Joyce, Highway, 503-986-3546

Effective Date: May 30, 2007

The Oregon Motorist Information Act (OMIA, ORS 377) regulates billboards and other signs on private property along Oregon's state highway system. Most OMIA regulations are an implementation of the 1965 Federal Highway Beautification Act which required states to enact regulation that "effectively controls" outdoor advertising signs. Failure to abide by the Beautification Act can result in a loss of 10% of Oregon's federal highway funds, estimated at \$25-30 million per year.

The basic distinction made in Oregon's sign regulation is between on-premise and off-premise signs. On-premise signs are those that advertise goods, services, or activities at that specific location. Off-premise signs advertise goods, services, or activities at a different location.

In March 2006, the Oregon Supreme Court ruled that the state's requirement of permits for off-premise signs, while exempting on-premise signs from the permit requirement, amounts to a content-based distinction and violates the free speech provisions of the Oregon Constitution. The Court struck down the permit and permit fee requirements of the OMIA, but continued to allow regulation of signs for zoning, spacing and size.

HB 2273 keeps the existing regulations in place, but changes the grounds upon which signs subject to those regulations are classified. Under HB 2273, outdoor advertising signs would be classified in a two-tier process. First, is the sign is posted for compensation – whether money or anything of value is changing hands? Second, is the sign located at some type of business, regardless of the sign's message? A sign that is posted for compensation or is not at the location of a business would need a state permit and would need to meet the zoning, spacing, size, and other regulations that currently apply to off-premise signs. A sign that is posted without compensation and is at the location of a business would not need a state permit and would only need to meet the existing safety regulations.

HB 2273 creates a regulatory system that is constitutionally sound and re-instates the state's regulatory authority. The bill ensures that Oregon will continue to comply with the federal Highway Beautification Act and will continue to receive its full allotment of federal highway funds.

HB 2273 creates a Sign Task Force to deal with issues that could not be resolved in the bill. These include:

- The ownership and use of relocation credits (potential permits within the capped number, but not currently being used on a sign structure).
- New advertising technology.
- Compensation for signs that are removed.
- Penalties for violation of outdoor advertising regulations.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other	\$449,250	\$262,600
Effect on Revenues		\$192,500	\$262,600
Effect on FTE		2	2

Safety Corridors

House Bill 2274

Implementation Plan Managers: Anne Holder, Transportation Safety, 503-986-4165
Dennis Ward, DMV, 503-945-8901

Effective Date: December 31, 2007

Provisions authorizing enhanced enforcement in safety corridors currently sunsets on January 1, 2008. House Bill 2274 removes the sunset on the department's authority to designate segments of Oregon highways as safety corridors. Fines for speeding and other traffic violations double within designated safety corridors. The bill extends the state's ability to use increased traffic fines as part of a comprehensive approach to improve highway safety using enforcement, engineering, education and emergency medical service.

Safety Belt Law

House Bill 2275

Implementation Plan Managers: David McKane, Motor Carrier Transportation, 503-373-0884
Carla Levinski, Transportation Safety, 503-986-4199

Effective Date: January 1, 2008

HB 2275 expands the list of situations where drivers and passengers are required to wear safety belts or to use child safety seats. HB 2275 assists law enforcement because violations can be identified more easily and consistently.

Board of Maritime Pilot Fees

House Bill 2277

Effective Date: June 26, 2007

HB 2277 authorizes the Oregon Board of Maritime Pilots to charge a license fee of up to \$2,500 per year. The fee is paid by maritime pilots licensed by the board and supports the Board's operation.

The Oregon Board of Maritime Pilots is responsible for licensing of the maritime pilots that guide ocean-going vessels over coastal bars and on the Columbia and Willamette Rivers.

[HB 2243](#) transferred the Oregon Board of Maritime Pilots from ODOT to the Public Utility Commission. See page 2.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other	\$75,600	\$75,600
Effect on Revenues		\$75,600	\$75,600
Effect on FTE		0	0

ConnectOregon II

House Bill 2278

Implementation Plan Managers: Jack Evans, Government Relations, 503-986-3644

Effective Date: July 31, 2007

House Bill 2278, *ConnectOregon II*, provides \$100 million in lottery bond proceeds for the Multimodal Transportation Fund. *ConnectOregon* funding can be used for projects involving air, marine, rail, and public transit. The money can be provided through grants and loans to public and private entities.

HB 2278 directs the Oregon Transportation commission (OTC) to consider project recommendations from the State Aviation Board, the Department of Economic and Community Development, the Freight Advisory Committee, and public transit and rail advisory committees when it selects *ConnectOregon II* project. The bill requires that at least ten percent of *ConnectOregon II* money will finance projects in each region and prescribes factors that the OTC will consider when making its project selection decisions.

HB 2278 continues the State's investment in non-highway transportation infrastructure. The bill will enhance Oregon's economy and create jobs.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other	\$34,138,000	\$73,300,000
Effect on Revenues		\$108,859,000	\$23,100,000
Effect on FTE		0.5	1.0

Narrow Residential Roadway

House Bill 2297

Implementation Plan Manager: Dennis Ward, DMV, 503-945-8901

Effective Date: January 1, 2008

HB 2297 defines a "narrow residential roadway." The speed on a "narrow residential roadway" will be 15 mph unless a different speed is posted on the roadway. Within cities, a speed in excess of 15 mph (or the posted speed) will be a violation of the speed limit; within unincorporated areas, a speed in excess of 15 mph (or the posted speed) will be a violation of the basic rule.

Length of Suspension for Failure to Appear/Failure to Pay

House Bill 2321

Implementation Plan Manager: Mary Liedtke, DMV, 503-945-5197

Effective Date: January 1, 2008

HB 2321 authorizes a court to suspend driving privileges when a person fails to appear for a traffic-related offense or fails to pay the related fine. The suspension is for a period of ten years or until the fine is paid, whichever occurs earlier. HB 2321 extends the maximum suspension period beyond the renewal cycle for a driver license so that an individual with this type of court-ordered suspension cannot resolve the suspension simply by renewing his or her license when it comes due for renewal. The bill provides the court system with an additional tool to ensure that fines are paid.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other	\$42,000	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Medal of Honor Registration Plate

House Bill 2390

Implementation Plan Manager: Debi Mercer, DMV, 503-945-0879

Effective Date: January 1, 2008

HB 2390 authorizes the Oregon Department of Transportation to issue specialized custom license plates to vehicle owners who are Congressional Medal of Honor recipients. The bill directs the department to create a Medal of Honor registration plate for recipients of the Medal of Honor. The plate will be created as a special series within the custom plate program. Only recipients of the Medal of Honor will be eligible to receive the new plate.

The new plate will be issued to Oregon's only living Congressional Medal of Honor recipient.

Vehicle Appraiser

House Bill 2435

Implementation Plan Manager: Jim Kelly, DMV, 503-945-5224

Effective Date: January 1, 2008

HB 2435 defines the term "vehicle appraiser" to be a person who holds an appraiser's certificate issued by the Oregon Department of Transportation and expresses opinions on the value of vehicles for compensation. Under HB 2435, a person who acts as a vehicle appraiser without a certificate is subject to a Class A violation (a fine of up to \$720).

The department may establish rules concerning the education requirements for vehicle appraisers and the procedures for the issuance and renewal of vehicle appraiser certificates.

HB 2435 clarifies the statutes that apply to vehicle appraisers.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Highway	\$9,750	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Vehicle Dealer Certification

House Bill 2437

Effective Date: January 1, 2008

House Bill 2437 requires that an applicant for a vehicle dealer's certificate pass a test within one year of completing the eight hours of education required for the vehicle dealer's certificate.

Photo Radar for Highway Work Zone Safety

House Bill 2466

Implementation Plan Managers: Kevin Haas, Highway, 503-986-3580

Anne Holder, Transportation Safety, 503-986-4195

Effective Date: January 1, 2008

HB 2466 makes three changes in Oregon's traffic law. The bill:

- Authorizes the Oregon Department of Transportation to conduct a pilot program to test the effectiveness and acceptance of photo radar used to enforce traffic speeds in highway work zones.

- Adds three cities (Gladstone, Milwaukie, and Oregon City) to the list of cities authorized to operate photo radar on city streets.
- Changes the requirements for the sign that advises drivers that a photo radar unit is ahead.

HB 2466 allows the department to partner with Oregon State Police or cities that are authorized to use photo radar. The department will pay its partners' expenses associated with the photo radar pilot program. The department will evaluate the pilot program and report the study results to the Legislative Assembly by March 1 of 2009 and 2011.

Under HB 2466, the photo radar unit(s) deployed in work zones will be operated by a uniformed police officer from a marked police vehicle. Signs will advise drivers that traffic laws are photo enforced, that a photo radar unit is ahead and what speed the vehicle was traveling. The registered owner of a vehicle that exceeds the work zone speed as identified by a photo radar unit will receive a citation in the mail. The registered owners have the due process safeguards that are currently in place for those cited by photo radar used on city streets.

The Oregon Department of Transportation is entering the peak period of construction funded by the 2003 Oregon Transportation Investment Act. More workers will be at work in more work zones on Oregon highways. The workers and members of the traveling public will be at risk as heavy volumes of traffic move through these work zones.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$14,800	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Expanded Use of Photo Red Light

House Bill 2508

Effective Date: January 1, 2008

House Bill 2508 allows any city to operate a photo red light program and to have as many intersections as needed equipped with photo red light cameras. Currently, only cities with 30,000 or more population may operate photo red light programs with cameras located at as many as eight intersections; the city of Portland may have cameras at 12 intersections.

HB 2508 relieves ODOT of reporting requirements that duplicate cities' reports to each legislative session. The bill provides additional traffic safety measures to any city that has identified crash problems within their jurisdiction caused by drivers who run red lights.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$6,750	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Retractable Studded Tires

House Bill 2567

Implementation Plan Manager: Karen Morrison, Highway, 503-986-3006

Effective Date: January 1, 2008

House Bill 2567 allows retractable studded tires to be used year round and permits these tires to be considered as traction tires under the Oregon Transportation Commission's rules. Current law allows motorists to use studded tires during the winter driving season, November 1 to April 1.

Retractable studded tires are a new technology developed by an Oregon firm. The technology will provide Oregonians a traction tire option for winter driving that may reduce damage to Oregon roadways.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other: Highway	\$2,500	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Oregon Ethics Commission/Ethics Reform

House Bill 2595

Effective Date: July 31, 2007

See the summary for [Senate Bill 10](#) (page 27).

Outdoor Lighting Study

House Bill 2628

Effective Date: January 1, 2008

House Bill 2628 requires the Oregon Department of Energy (ODE) to review the model outdoor lighting ordinance developed by the International Dark-Sky Association and the Illuminating Engineering Society of North America. The department will assess the suitability of the technical regulations contained in the model ordinance and how effective the ordinance would be in reducing light pollution and promoting the energy efficiency of outdoor lighting fixtures. ODE will publish its findings and recommendations and report to the Governor and the Seventy-fourth Legislative Assembly by October 1, 2008.

Felony DUII

House Bill 2651

Effective Date: January 1, 2008

House Bill 2651 prevents a person with a prior DUII conviction in Oregon or elsewhere from participating in Oregon's diversion program. The bill has provisions that protect police officers from prosecution when vehicle-mounted video recorders, or tasers with recorders, record conversations without the knowledge of the participants.

Fuel Efficient Driving Techniques

House Bill 2704

Implementation Plan Manager: Dennis Ward, DMV, 503-945-8901

Effective Date: January 1, 2008

HB 2704 requires the Oregon Department of Transportation to include a question on fuel efficient driving techniques in the knowledge test given to applicants for an Oregon driver license. The department will include information on fuel efficient driving techniques in the Oregon Driver Manual that is used to prepare for the test. The department will add several test questions on fuel efficient driving to the pool of questions from which examinations are drawn.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$2,125	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Indemnity Clauses

House Bill 2708

Effective Date: January 1, 2008

Oregon law prohibits construction agreements from containing provisions that require one party to assume liability for damages caused by the other party's negligence. This includes agreements for the construction, alteration, repair, improvement or maintenance of highways. House Bill 2708 extends the definition of a "construction agreement" to include agreements for planning and design.

Aggravated Vehicular Homicide

House Bill 2740

Implementation Plan Managers: Craig Austin, DMV, 503-945-5245

Gretchen McKenzie, Transportation Safety, 503-986-4183

Effective Date: January 1, 2008

House Bill 2740 creates a new crime and expands two others to apply to a person who was driving under the influence of intoxicants and kills or seriously injures another person. The bill:

- Creates the crime of "aggravated vehicular homicide" as a Class A felony when the person charged has previously been convicted of criminally negligent homicide or manslaughter under similar circumstances.
- Expands first degree manslaughter to include death caused when the person charged has at least three convictions for DUII or has been convicted of assault for injuries caused while driving a motor vehicle.
- Expands first degree assault to include injuries caused when the person charged has at least three convictions for DUII or has been convicted of criminally negligent homicide, manslaughter or assault for death or injuries caused while driving a motor vehicle.
- Requires 15-, 16-, and 17-year-olds who are charged with aggravated vehicular homicide to be tried in adult criminal court.
- Establishes a mandatory minimum 20 year sentence for aggravated vehicular homicide.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$47,000	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Ignition Interlock Device

House Bill 2774

Implementation Plan Manager: Craig Austin, DMV, 503-945-5245

Effective Date: January 1, 2008

HB 2774 extends the period of time during which a person who has been convicted of driving under the influence of intoxicants (DUII) must use an ignition interlock device on the vehicle(s) that he or she drives. When an ignition interlock device detects alcohol on the driver's breath, the device prevents the vehicle from starting.

The bill requires the use of an ignition interlock device for one year following the end of the suspension or revocation that results from a DUII conviction and two years following a second or subsequent DUII conviction. In addition, the Oregon Department of Transportation may suspend driving privileges or the right to apply for driving privileges for equivalent time periods if the individual does not submit proof that an ignition interlock device has been installed on the vehicles(s) that he or she drives.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	TOF	\$64,800	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Bonding Requirements for Disadvantaged, Minority, Women Owned and Emerging Small Businesses

House Bill 2776

Effective Date: January 1, 2008

House Bill 2776 allows a disadvantaged, minority, women owned or emerging small business to elect to not file a \$30,000 public works bond with the Construction Contractors Board for up to four years after certification. The bill exempts contractors or subcontractors from the requirement to file a \$30,000 public works bond with the Construction Contractors Board for projects with a contract price under \$100,000.

Vehicle Towing

House Bill 2821

Implementation Plan Manager: Doug Hedlund, Motor Carrier Transportation, 503-378-6192

Effective Date: June 18, 2007

HB 2821 allows a combination of three implements of husbandry to be operated on Oregon highways whether the vehicles are hauled or towed. Current law allows such a combination when two vehicles are towed on their own wheels.

The bill is consistent with existing exemptions from size limits. It may improve safety when farm equipment is moved on Oregon highways.

Railroad Rights of Way

House Bill 2853

Effective Date: January 1, 2008

House Bill 2853 protects railroad companies' property rights and the integrity of their rights-of-way from claims based on adverse possession. The bill may also improve safety by allowing railroad companies to require private crossing agreements without first settling property rights challenges.

Railroad companies acquired the property for their rights-of-way through grants from the federal government and private property and by purchase. The rights-of-way are often wider than the land that is used for the rail bed and tracks. Adjacent property owners sometimes farm, place fences, build private roads across the tracks, or otherwise encroach on the railroads' property. Railroads are at risk of losing their property by adverse possession under current law.

Cell Phone Use by Teen Drivers

House Bill 2872

Implementation Plan Managers: Dennis Ward, DMV, 503-945-8901

Walt McAllister, Transportation Safety, 503-986-4187

Effective Date: January 1, 2008

House Bill 2872 would prohibit a driver less than 18 years of age who holds a provisional driver license, student permit, or instructional permit from using a cell phone or similar device while driving unless he or she was summoning emergency assistance or was engaged in farming activities. Police officers would enforce the prohibition only in conjunction with some other suspected violation or offense.

The bill implements a National Transportation Safety Board recommendation. It may further reduce the number of crashes involving teen drivers.

Oregon's provisional driver license provisions limit the distractions for teenaged drivers. They have resulted in a significant (over 45 percent) reduction in the number of fatal and injury crashes involving teen drivers.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$26,750	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Maximum Weight Limit for Vehicles

House Bill 2902

Implementation Plan Manager: Ed Scrivner, Motor Carrier Transportation, 503-378-6071

Effective Date: January 1, 2008

A driver who operates a heavy vehicle that weighs more than 80,000 but less than 105,500 pounds may obtain a variance permit for \$8 that shows roads where heavy vehicles may travel safely. Today, a driver who cannot show a law enforcement officer a valid permit is subject to a fine that varies by the weight over 80,000 pounds, up to 24 cents for every pound over 80,000. The fine can be as much as \$6,120 for a truck weighing 105,500 pounds.

HB 2902 makes this offense a Class A traffic violation, subject to a fine of up to \$720, if the officer determines that the driver could have obtained a variance permit. A driver who could not obtain a variance permit for the road where a stop was made would continue to be subject to the higher fine. HB 2902 makes the level of the fine for this violation proportionate with the offense while retaining the larger fine to deter drivers from using routes that are unsafe for heavy loads.

Voter Registration

House Bill 2910

Implementation Plan Manager: Craig Austin, DMV, 503-945-5245

Effective Date: January 1, 2008

HB 2910 revises the statute governing the “motor voter” program which is administered by the Oregon Department of Transportation. Under the bill, an individual over 17 years of age is allowed to register to vote. The department will accept and forward voter registration forms to the appropriate county clerks who complete the voter registration process.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Transportation Operating Fund	\$12,250	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Recreational Vehicles, Permit Violations and Removal of Vehicles

House Bill 2936

Implementation Plan Managers: Craig Bonney, Motor Carrier Transportation, 503-378-4581

Jeff Wheeler, DMV, 503-945-0866

Effective Date: January 1, 2008

HB 2936 changes the Oregon Vehicle code to:

- Reduce the registration fee charged for certain recreational vehicles.
- Increase the fine associated with certain heavy vehicle permit violations.
- Require vehicles to be moved out off the highway after a crash in certain situations.

Recreational Vehicles

The registration fee for a passenger van is \$54 for two years (\$27 per year); the registration fee for a recreational vehicle of equivalent length is \$126 for two years. Some owners equip and use their vans as RVs and pay \$54 to register the vehicles; others declare them to be RVs and pay the higher fee.

HB 2936 reduces the registration fee for RVs that are 14 feet or less in length to \$54. The bill makes the registration fee schedule equitable. Owners of vans equipped and used as RVs will pay the same amount of registration fee without regard to the way that they describe their vehicles.

Permit Violations

HB 2936 makes failure to provide a pilot car as required for certain vehicle permits a Class A violation (a fine of up to \$720). Under current law, this violation is subject to a fine of up to \$90, less than the cost of providing a pilot car. The bill increases the level of the fine. It may improve the safety of vehicle movements that require the use of pilot cars.

Removal of Vehicles

HB 2936 requires drivers involved in a crash to move their vehicles off the highway if the vehicles can be moved and if there are no injuries. Drivers who do not move their vehicles would be subject to a Class C violation (a fine of up to \$180).

Drivers are confused about their responsibilities after a crash. While the Oregon Driver Manual advises drivers to move off the highway to exchange information, many incorrectly believe that insurance companies require them to remain in place until a police officer arrives at the scene.

HB 2936 clarifies drivers' responsibilities. The bill may reduce the blockages and traffic congestion that results from no-injury "fender-bender" crashes.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$15,250	\$0
Effect on Revenues		(\$48,194)	(\$64,259)
Effect on FTE		0	0

Passenger Rail Program

House Bill 2982

Implementation Plan Managers: Debi Mercer, DMV, 503-945-0879
Cary Goodman, Rail, 503-986-4230

Effective Date: July 1, 2007

The sale and renewal of custom license plates is an option available to vehicle owners. Owners pay a \$25 fee when they initially register and at renewal and can choose the letter configuration of their plates. The revenue from custom plates, about \$4.3 million per biennium, is not dedicated State Highway Fund money.

HB 2982 dedicates the revenue from custom plates to the Oregon rail passenger program. The money will be used to operate the Amtrak Cascades passenger trains in the Willamette Valley. The bill reduces the cost to the General Fund of operating the trains by \$4.3 million per biennium.

The Department of Transportation will use State Highway Fund money to administer its program for the employment of young people in the prevention of litter and vandalism, the current use of the proceeds of custom plate fee revenue. The program is a permissible use of State Highway Fund money.

Revised Uniform Anatomical Gift Act

House Bill 3092

Implementation Plan Manager: Mary Liedtke, DMV, 503-945-5197

Effective Date: January 1, 2008

House Bill 3092 adopts the Revised Uniform Anatomical Gift Act of 2006. The revisions establish a donor registry and make it easier to donate organs. Also, the revised Act reflects changes in federal law and regulations governing organ procurement and allocation as well as changes in organ donation practices.

DMV records when a driver license applicant indicates that he or she is an organ donor on driver records. HB 3092 requires DMV to make the information available to licensed and accredited eye banks, organ procurement organizations and tissue banks.

Veterans Registration Plate Program

House Bill 3161

Implementation Plan Manager: Debi Mercer, DMV, 503-945-0879

Effective Date: January 1, 2008

HB 3161 directs the Oregon Department of Transportation to develop a new composite veterans' recognition registration plate program. The program will create a new veterans' plate design and authorizes the use of military-related decals that describe or represent the veterans' groups. This includes a Gold Star Family plate. A Gold Star Family plate may be issued only to surviving family members of individuals who died while on active duty in the Armed Forces.

The bill simplifies administration of veterans' plates. It also allows the department to establish a Gold Star Family plate. The department will work the veterans groups to design the new veterans' plates.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$9,750	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Careless Driving Penalties

House Bill 3314

Implementation Plan Manager: Craig Austin, DMV, 503-945-5245

Effective Date: January 1, 2008

HB 3314 enhances the penalties associated with careless driving when the person convicted of this offense also contributed to the serious physical injury or death of a "vulnerable user of the public way." Under the bill, a "vulnerable user" includes a pedestrian, a highway worker, a person riding an animal, or the operator or user of a farm tractor, a skateboard, roller skates, in-line skates, a scooter or a bicycle.

HB 3314 requires a court to sentence a person convicted of this offense to complete a traffic safety course, perform 100 to 200 hours of community service, pay a fine of up to \$12,500, and suspension of driving privileges for one year. Payment of the fine and suspension of driving privileges may be waived by the court upon completion of the traffic safety course and community service.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$46,645	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Vehicle Dismantlers

House Bill 3377

Implementation Plan Manager: Jim Kelly, DMV, 503-945-5224

Effective Date: January 1, 2008

HB 3377 authorizes the Oregon Department of Transportation to adopt rules under which it may sanction vehicle dismantlers for violations of their dismantler license. Current law allows the department only to fine or revoke a dismantler's license. HB 3377 improves the regulation of the vehicle dismantler industry by allowing progressive discipline based on the severity of the violation.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other	\$11,950	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Commercial Motor Vehicle Requirements for Mass Transit

House Bill 3380

Implementation Plan Manager: Valerie Schoenfeldt, DMV, 503-945-5242

Effective Date: January 1, 2008

A person who holds a Class C driver license may drive an auto, minivan, or van. These types of vehicles are often used to provide community-based transportation service for senior citizens and people with disabilities.

HB 3380 removes vehicles that are owned, leased, operated, or operated under contract by a mass transit or a transportation district from the statutory definition of a "commercial vehicle." Drivers of commercial vehicles are required to have a Commercial Driver License. The bill has the effect of allowing a person who holds a Class C driver license to drive small vehicles for community-based transportation services when the vehicles are owned or supported by mass transit districts or transportation districts.

Drivers of large vehicles (16 or more passengers) owned or supported by the districts must continue to hold a Commercial Driver License.

Racing Activity Vehicle

House Bill 3527

Implementation Plan Manager: Debi Mercer, DMV, 503-945-0879

Effective Date: January 1, 2008

HB 3527 defines a "racing activity vehicle" in the Oregon Vehicle Code for purposes of vehicle titling and registration. The bill exempts this type of vehicle from federal and state equipment standards and from emission testing by the Department of Environmental Quality, if one is registered within a DEQ testing area. It sets a one-time fee of \$81 for permanent registration.

Racing activity vehicles may be driven on Oregon highways, roads and streets subject to certain limitations. The vehicles may only be driven in exhibitions and parades, to or from race tracks within a 90-mile radius of home, or road tested within a 30-mile radius of where the vehicle is maintained or repaired. In addition, racing activity vehicles may not be driven on interstate highways, the only highways in Oregon with a speed limit or posted speed greater than 55 miles per hour.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other	\$24,875	\$0
Effect on Revenues		\$0	Unknown
Effect on FTE		0	0

Oregon Global Warming Commission

House Bill 3543

Implementation Plan Manager: Damon Fordham, Director's Office, 503-986-3491

Effective Date: August 7, 2007

HB 3543 sets greenhouse gas emissions reduction goals, creates the Oregon Global Warming Commission and creates tasks for the commission. The Director of Transportation will participate as an ex-officio member of the Oregon Global Warming Commission under HB 3543.

Bond Limit Bill

House Bill 5005

Implementation Plan Manager: Anthony Buckley, Central Services, 503-986-6634

Effective Date: July 1, 2007

HB 5005 authorizes the total amount of bonds that can be issued by state agencies during the 2007-2009 biennium. The bill authorizes the State Treasurer to issue bonds on ODOT's behalf for:

- The Oregon Transportation Infrastructure Bank – \$50 million
- Highway User Tax bonds – \$813.7 million

There are other bills that authorize the State Treasurer to issue bonds for transportation projects. HB 2278 authorizes \$100 million of lottery-backed bonds for aviation, marine and port, public transportation and rail projects.

ODOT's 2007-2009 budget bill (HB 5047, page 26) limits the expenditure of the proceeds from these bonds and provides expenditure limitation for debt service.

Capital Construction Budget

House Bill 5006

Implementation Plan Manager: Kathryn Ryan, Central Services, (503) 986-2726

Effective Date: July 3, 2007

HB 5006 contains the legislatively approved building and major remodeling projects for state agencies for the six years beginning July 1, 2007. The bill authorizes about \$11.7 million for five ODOT projects:

- Baker City Highway Facility \$ 5,000,000
- East Portland Highway Facility \$ 1,100,000
- Transportation Building Renovations \$ 4,710,339
- Sylvan Maintenance Station \$ 900,000
- Sisters Maintenance Station \$ 1

The amount approved for the Sylvan Maintenance Station will complete engineering and construction of the project's final phase. The amounts approved for the Baker City, East Portland and Transportation Building projects will fund the projects' initial phases.

ODOT must relocate the Sisters Maintenance Station because the current facility is on U.S. Forest Service land scheduled for sale. The \$1 approved for the project is a placeholder that enables ODOT to return to the Emergency Board when plans are more fully developed.

HB 5006 and other bills affect ODOT's legislatively approved budget. The primary budget bill (HB 5047) can be found on page 21 together with a list of other budget-related bills.

House Bill 5006 Budget Summary	
Other Funds – Limited	<u>\$11,710,340</u>
Total	\$11,710,340

2007-2009 Budget for the Office of the Governor

House Bill 5026

Effective Date: July 1, 2007

HB 5026 is the Legislatively Adopted Budget for the Office of the Governor. The Legislature approved seventeen positions among other actions that affect this budget. These positions provide staffing for the core needs of the Governor's Office. In the past, state agencies have provided this support for the Governor's Office.

HB 5026 transfers \$122,944 from ODOT for one support position for Minorities, Women, and Emerging Small Business and Affirmative Action activities.

HB 5026 and other bills affect ODOT's legislatively approved budget. The primary budget bill (HB 5047) can be found on page 21 together with a list of other budget-related bills.

House Bill 5006 Budget Summary	
Other Funds	<u>(\$122,944)</u>
Total	(\$122,944)

Lottery Allocations

House Bill 5035

Effective Date: July 3, 2007

HB 5035 allocates the proceeds of the state lottery for the 2007-2009 biennium. The bill provides \$41,579,216 in lottery revenue to ODOT for the purpose of paying the principal, interest and premium on outstanding lottery bonds for rail projects, rail infrastructure assistance and multimodal transportation infrastructure projects:

- Westside Light Rail
- Short Line Infrastructure Assistance
- Industrial Rail Spur Assistance
- *ConnectOregon*

In addition, HB 5035 allocates \$4,931,493 for debt service on the \$100 million in *ConnectOregon II* lottery bonds authorized by HB 2278 (page 6). The bill does not allocate money for the TriMet South Corridor and the Portland Streetcar bonds authorized in HB 5036 (page 20). There would be no debt service for these bonds in 2007-2009 because the bonds will be issued late in the 2007-2009 biennium.

If lottery revenues are lower than anticipated, HB 5035 ensures that debt service for the Westside Light Rail Construction Bonds (about \$19.9 million) has top priority, followed by other debt service, over other lottery allocations.

HB 5035 and other bills affect ODOT's legislatively approved budget. The primary budget bill (HB 5047) can be found on page 21 together with a list of other budget-related bills.

House Bill 5035 Budget Summary		
Lottery Fund Revenue		<u>\$46,510,709</u>
Total		<u>\$46,510,709</u>

Lottery Bonds

House Bill 5036

Implementation Manager: Anthony Buckley, CSD, 503-986-6634
 Michael Ward, PTD, 503-986-3413

Effective Date: July 3, 2007

HB 5036 is an omnibus bill that increases the authorized amount of lottery bonds that may be issued.

HB 5036 authorizes \$250 million in lottery bond proceeds for TriMet's Southeast Metropolitan Extension Project. The project will extend the MAX light rail line from Portland to Clackamas County. The bill directs ODOT to enter into an agreement with TriMet and sets out conditions that must be met before ODOT asks the State Treasury to issue the bonds.

The bill also authorizes \$20 million in lottery bond proceeds for the Oregon Streetcar Project Fund. The project will assist the development of an Oregon manufacturing base for the type of cars used by the Portland Streetcar. The bill directs ODOT to establish a grant program to assist cities' purchases of streetcars manufactured in Oregon and sets out conditions that must be met before ODOT asks the State Treasury to issue the bonds.

House Bill 5036 Budget Summary		
Lottery Bond Proceeds		<u>\$270,000,000</u>
Total		<u>\$270,000,000</u>

2007-2009 Legislatively Adopted Budget

House Bill 5047

Implementation Plan Manager: Darryl Ficker, Central Services, 503-986-3918

Effective Date: July 3, 2007

HB 5047 is ODOT's 2007-2009 Legislatively Adopted Budget. This bill:

- Appropriates General Fund money for the passenger rail program.
- Limits Other Fund expenditures from fees, moneys or other revenues, including Miscellaneous Receipts and certain federal funds received as Other Funds.
- Limits Federal Fund expenditures.
- Limits expenditures of Lottery money.
- Authorizes specified nonlimited expenditures.
- Increases the expenditure limitation for the public transit program for the 2005-2007 biennium.

Other bills that affect ODOT's Legislatively Adopted Budget include:

- [HB 2243](#) (page 2) – Board of Maritime Pilots Transfer to PUC
- [HB 2278](#) (page 6) – *ConnectOregon II*
- [HB 5005](#) (page 18) – Bond Limit Bill
- [HB 5006](#) (page 18) – Capital Construction
- [HB 5026](#) (page 19) – Governor's Office Budget
- [HB 5035](#) (page 19) – Lottery Appropriations
- [HB 5036](#) (page 20) – Lottery Bonds
- [HB 5048](#) (page 26) – Fees Adopted by Rule During 2005-2007 Interim
- [SB 994](#) (page 36) – Policy Decisions Affecting ODOT's 2007-2009 Budget
- [SB 5549](#) (page 38) – 2007-2009 Budget Reconciliation

House Bill 5047	
Appropriations and Limitations for 2007-2009	
Budget Summary	
General Fund	\$ 4,504,713
Lottery Funds Debt Service	\$ 46,559,957
Other Funds	\$3,250,677,980
Other Funds Nonlimited	\$ 17,663,632
Federal Funds	<u>\$ 79,231,221</u>
Total	\$3,398,637,503
Position Summary	
Authorized Positions	4,625
Full-Time Equivalent Positions (FTE)	4,527.24
Supplemental Appropriations and Limitations for 2005-2007	
Budget Summary	
Federal Fund	\$ 2,022,471

Notes for 2007-2009 Budget

Budget notes are a record of directions given by the budget subcommittees to the department during the budget discussion. The verbatim text of the five budget notes that apply to ODOT is included below. The budget notes can also be found in the Budget Report and Measure Summary for HB 5047 dated June 15, 2007. Contact Darryl Ficker, Financial Services, or go to the 2007 Staff Measure Summaries online at: <http://www.leg.state.or.us/comm/sms/SMS07Frameset.html> for additional information.

Construction Project Cost Over/Under runs

Implementation Plan Manager: Darel Capps, Highway, 503-986-3880

“The Department of Transportation’s practice of requiring each Region to self-balance its allocation of Statewide Transportation Improvement Project funding is a concern to the legislature. The practice seems to prohibit the Department from consolidating project cost under-runs statewide to fund or advance projects based on statewide priority.

“In order for the Legislature to ascertain whether the magnitude and impact of this practice inhibits projects of statewide significance from advancing, the Department shall provide a report to the interim Joint Committee on Ways and Means or Emergency Board by no later than November 2008 of project under-runs by project and Region for the last six federal fiscal years.

“The report should list:

1. The project type (Preservation, Bridge, Safety, etc.)
2. The original STIP project budget;
3. The amount of under-run (savings);
4. The under-run percentage; and
5. A description of how the under-run savings were used – including but not limited to
 - Fund STIP project over-runs (include Region, type of project, project STIP year, and date of OTC approval)
 - Advance STIP projects (include Region, type of project, project STIP year, and OTC approval date);
 - Fund Maintenance program projects (include Region, type of project and OTC approval date)
 - Other (include a description)

“In addition, the Department shall provide alternatives to the practice with an analysis of each alternative identifying the advantages or disadvantages to the state for each alternative.”

Airspace Leases

Implementation Plan Manager: Dee Jones, Highway, 503-986-3614

“The budget provides \$4.0 million for completion of the right-of-way data management system; the Department is directed to provide a report to the interim Joint Committee on Ways and Means or Emergency Board by no later than November 2008 on its program for maximizing financial return of existing properties through lease or sale along with a status of properties currently owned by the Department.”

Multimodal Study

Implementation Plan Manager: Kelly Taylor, Rail, 503-986-4125

“The Department of Transportation is directed to undertake a multimodal transportation study directed by House Bill 2278A. In addition to the criteria for identifying potential funding sources and strategies that are independent of State General Funds or Lottery Funds as outlined in House Bill 2278A, the department is expected to include an assessment that directs funding for rail service improvements and service that places emphasis on Oregon commodities and/or providers. The Department shall provide the completed study to the interim Joint Committee on Ways and Means or Emergency Board. If the study is not completed by November 2008, the Department shall provide a status report to the Joint Committee on Ways and Means or Emergency Board.”

Mentor Protégé Program

Implementation Plan Manager: Michael Cobb, Office of Civil Rights, 503-986-5753

“The budget provides \$300,000 to fund a “Mentor Protégé Program” to address the Department of Transportation’s commitment to providing contract opportunities to all Oregon-based Disadvantaged, Minority, Women and Emerging Small Business Enterprises (DMWESB). The Department is directed to develop performance measures and provide a report to the interim Joint Committee on Ways and Means or Emergency Board by no later than November 2008 on the business relationships established and achievements of assisting small firms grow capacity; improve revenues; employment levels, technology and business plan development.”

Performance Measures

Implementation Plan Manager: Darryl Ficker, Central Services, 503-986-3918

“The Department of Transportation is directed to update the Legislative Fiscal Office quarterly on its progress in revising its key performance measures. The Legislative Fiscal Office may request the Department to seek advice or concurrence from an appropriate interim committee on its key performance measures.”

The following budget note was included in the Department of Human Resources’ budget. The budget note also affects ODOT:

Elderly and Disabled Transportation Services

Implementation Plan Manager: Michael Ward, Public Transit, 503-986-3413

“The Department of Human Resources and Transportation are directed to work together to investigate sources of new revenue to enhance funding for elderly and disabled transportation services, with consideration for both urban and rural Oregon. The departments shall report their findings to the Department of Administrative Services, Budget and Management Division and the Legislative Fiscal Office prior to the 2009 Legislative Session.”

2007-2009 Performance Measures

The budget subcommittees adopted performance measures for ODOT during the budget discussion. The performance measures relate to ODOT's mission (To provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians) or the Oregon Benchmarks. The 2007-2009 performance measures are listed below. For more information, contact Darryl Ficker, Financial Services, (503) 986-3918.

2007-09 KPM#	2007-09 Key Performance Measures (KPMs)	Changes to 2005-07	Target 2008	Target 2009
1	Traffic Fatalities: Traffic fatalities per 100 million vehicles miles traveled (VMT).	No change	1.12	1.06
2	Traffic Injuries: Traffic injuries per 100 million vehicles miles traveled (VMT).	No change	70	70
3	Safe Drivers: Percent of drivers who drove safely by avoiding traffic violations and accidents during the prior three years.	No change	67%	67%
4	Impaired Driving: Percent of fatal traffic accidents that involved alcohol.	No change	35%	35%
5	Use of Safety Belts: Percent of all vehicle occupants using safety belts.	No change	95%	95%
6	Large Truck At-Fault Crashes: Number of large truck at-fault crashes per million vehicle miles traveled (VMT).	Request change	0.32	0.31
7	Rail Crossing Incidents: Number of highway-railroad at-grade incidents.	No change	25	25
8	Derailment Incidents: Number of train derailments caused by human error, track, or equipment error.	No change	42	42
9	Travelers Feel Safe: Percent of public satisfied with transportation safety.	No change	74%	74%
10	Special Transit Rides: Average number of special transit rides per each elderly and disabled Oregonian annually.	Change title	7.00	7.00
11	Travel Delay: Hours of travel delay per capita per year in urban areas	No change	19.3	19.3
12	Passenger Rail Ridership: Number of state-supported rail service passengers.	No change	124,955	124,955
13	Alternatives to One-Person Commuting: Percent of Oregonians who commute to work during peak hours by means other than Single Occupancy Vehicle.	No change	30%	30%
14	Traffic Volume: Vehicle Miles Traveled (VMT) per capita in Oregon metropolitan areas for local non-commercial trips. (KPM # 14 to be reworked to measure success of promoting alternatives to one person commuting in metropolitan areas. The current metric reflects	Change title	7,200	7,200

2007-09 KPM#	2007-09 Key Performance Measures (KPMs)	Changes to 2005-07	Target 2008	Target 2009	
	economic activity.)				
15	Pavement Condition: Percent of pavement lane miles rated "fair" or better out of total lane miles in state highway system.	No change	85%	85%	
16	Bridge Condition: Percent of State National Highway System (NHS) bridges that are not deficient.	No change	66%	66%	
17	Fish Passage at State Culverts: Number of high priority ODOT culverts remaining to be retrofitted or replaced to improve fish passage.	No change	152	147	
18	Intercity Passenger Service: Percent of Oregon communities of 2,500 or more with intercity bus or rail passenger service.	No change	95%	95%	
19	Bike Lanes and Sidewalks: Percent of urban state highway miles with bike lanes and pedestrian facilities in "fair" or better condition.	No change	66%	66%	
20	Jobs from Construction Spending: Number of jobs sustained as a result of annual construction expenditures.	No change	13,600	15,000	
21	Timeliness of Projects Going to Construction Phase: Percent of projects going to construction phase within 90 days of target date.	Change definition	80%	80%	
22	Construction Project Completion Timeliness: Percent of projects with the construction phase completed within 90 days of original contract completion date.	No change	80%	80%	
23	Construction Projects On Budget: Percent of projects completed on or under projected preliminary engineering, right-of-way and construction costs.	No change	80%	80%	
24	Certified Businesses (DMWESB*): Percent of ODOT contract dollars awarded to disadvantaged, minority, women, and emerging small businesses. *Disadvantaged, Minority, Women Owned and Emerging Small Businesses.	No change	11.23%	11.23%	
25	Customer Service Satisfaction: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	New Measure	Overall	90%	90%
			Timeliness	90%	90%
			Expertise	90%	90%
			Accuracy	90%	90%
			Helpfulness	89.5%	89.5%
Availability of information	87%	87%			
26	DMV Customer Services: 26a) Field office wait time (in minutes), 26b) Phone wait time (in seconds), 26c) Title wait time (in days).	Change title	Field Office Wait Time	15	15
			Phone Wait Time	45	45
			Title Wait Time (days)	21	21

2007-09 KPM#	2007-09 Key Performance Measures (KPMs)	Changes to 2005-07	Target 2008	Target 2009	
27	Maritime Pilot License Processing Timeliness: a) Percent of Board of Maritime Pilot license applications processed within statutory timeframes out of total number of applications; b) Number of days between time of Board of Maritime Pilot license application and notice of disposition.	Consolidate measures	a)	97%	97%
			b)	9.0	8.75
	Best Practices. Percent of total best practices met by the Board of Maritime Pilots	Add New Measure and Renumber	100%	100%	
28	Economic Recovery Team Customer Satisfaction: Percentage of local participants who rank ODOT involvement with the Economic Recovery Team as good or excellent.	New Measure	90%	90%	

Fees Adopted During the 2005 - 2007 Interim

House Bill 5048

Effective Date: July 12, 2007

HB 5048 approves the ODOT fees that were increased by administrative rule since the 2005 session of the Legislature. Included were fees related to public records requests:

- Photocopies \$0.25 per page.
- Labor \$25.00 per hour.
- 3.5-inch computer disk or compact disk..... \$5.00 per disk.
- Facsimile \$5.00 for the first page; \$1.00 each additional page.
- Attorney fees \$25.00 minimum.

Safe Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393)

House Joint Memorial 5

Effective Date: Filed with the Secretary of State on May 24, 2007

House Joint Memorial 5 urges Congress to extend the Secure Rural Schools and Community Self-Determination Act of 2000 through federal fiscal year 2016 and that Congress fund the Act with a mandatory, continuing appropriation.

Historically, Congress has shared revenue from federal forest lands with local governments in recognition of the fact that federal ownership of forestlands deprives counties of revenue they would receive if the land were privately owned. Congress enacted the Secure Rural Schools and Community Self-Determination Act of 2000 to stabilize payments to counties for schools and roads and to improve forest ecosystems. The federal Act provides money for schools and county programs, including more than \$90 million for county road programs.

The Secure Rural Schools Act expired in 2006. Congress has extended the Act for one year.

LEGISLATION PASSED

SENATE BILLS

Ethics Commission/Ethics Reform

Senate Bill 10/House Bill 2595

Implementation Plan Manager: Victor Dodier, Director's Office, 503-986-3422

Effective Date: July 31, 2007 (most provisions become operative on January 1, 2008)

SB 10 and HB 2595 are a comprehensive reform of Oregon's government ethics laws. Generally, SB 10 revises existing ethics standards and establishes new standards in a few areas. HB 2595 revises the Ethics Commission's procedures. The two bills are based on the work of the Oregon Law Commission. Together, the bills:

- Rename the Oregon Government Ethics Commission (was the Government Standards and Practices Commission).
- Create a funding mechanism for the Oregon Government Ethics Commission by assessing state agencies and local governments.
- Require quarterly filing of expenditure statements by lobbyists and by organizations that employ lobbyists.
- Set monetary limits for gifts received by public officials and given by persons with a legislative or administrative interest.
- Establish exemptions from the definition of a gift.
- Modify the requirements for reporting honoraria.
- Expand the scope of a conflict of interest and require disclosure of conflicts of interest.
- Modify the contents of statements of economic interest filed by certain public officials.
- Prohibit a public official from using confidential information gained by reason of being a public official from benefiting any person.
- Clarify and update laws prohibiting nepotism.
- Clarify the procedures and status of advice issued by the Ethics Commission to public officials regarding the application of the law and its rules to specific circumstances.
- Clarify the procedures for the investigation of complaints by the Ethics Commission.
- Require that the Ethics Commission make its manuals, advice, and all information reported to it by public officials and lobbyists available to the public on the Internet.
- Provide authority to the Ethics Commission, state agencies and other public bodies to adopt rules.

SB 10 and HB 2595 build on the existing law concerning lobby regulation (ORS 171.725 to 171.785) and government standards and practices (ORS Chapter 244). Most changes clarify and extend the standards. For example, all state and local government elected and appointed officials and employees are defined to be "public officials" under SB 10 as they are now. The existing limits on gifts to public officials are clarified because the term "gift" is more clearly defined and a number of situations are explicitly exempted from the definition of "gift."

The Ethics Commission will begin revising its rules, procedures and manuals as soon as the bills become effective so that the new rules are in place in January 2008. State agencies like ODOT will also be reviewing rules or policies and procedures to ensure that they are consistent with the standards set in SB 10 and HB 2595.

All-Terrain Vehicle Operator Permits/Helmets

Senate Bill 101

Implementation Plan Manager: Dennis Ward, DMV, 503-945-8901

Effective Date: January 1, 2008

SB 101 requires Class I and Class III ATV operators over 16 years of age to have an operators permit when they are using an ATV on public land. Children under age 16 must also be accompanied by an adult who has an operators permit. A child under age seven may not operate a Class III ATV on public land.

SB 101 requires ATV operators and riders under 18 to wear helmets with a fastened chin strap beginning in January 2009. The threshold is raised to age 31 in 2010 and is increased by 10 years each year afterwards until 2014 when all operators and riders must wear helmet.

The permit and helmet requirements do not apply when ATVs are being used in farming, nursery, forestry or Christmas tree-growing operations and the ATV owner is the person who owns or leases the land.

The State Parks and Recreation Department will issue rules to implement SB 101's requirements. State Parks will also pay the cost of enforcement by police and sheriffs. DMV will record convictions for violations on driver records.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$9,750	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Crossview Mirrors/Passing Bicyclist Safely

Senate Bill 108

Implementation Plan Manager: Dennis Ward, DMV, 503-945-8901

Michele O'Leary, Transportation Safety, 503-986-4198

Effective Date: January 1, 2008

SB 108 requires commercial delivery trucks over 10,000 pounds gross weight to be equipped with "crossview" mirrors. Crossview mirrors enable the driver to see people and objects directly in front of the vehicle.

In addition, SB 108 allows a driver to pass a bicyclist only on the left and at a safe distance from the cyclist. A safe distance is a distance sufficient to prevent contact between the vehicle and the cyclist if the cyclist were to fall into the driver's lane of travel. This rule does not apply when driver is traveling in a lane adjacent to a designated bicycle lane, on roads with a speed greater than 35 mph, or when the cyclist is turning left.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$9,750	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Towing Company Business Practices

Senate Bill 116

Implementation Plan Manager: Jim Kelly, DMV, 503-945-5224

Effective Date: January 1, 2008

SB 116 regulates towing company practices. The bill prohibits certain practices (for instance, charging more for a tow than the disclosed price) and requires other practices (for instance, providing exact change within one business day, if the tower accepts cash payment). The bill authorizes the Department of Justice to adopt rules to implement its requirements. Violations are an unlawful trade practice. DMV must suspend a tower's business certificate for an unlawful trade practice.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$9,795	\$45
Effect on Revenues		\$0	\$ 0
Effect on FTE		0	0

Access to Department of Employment Records

Senate Bill 219

Implementation Plan Manager: Doug Kleeb, Central Services, 503-378-5773

Effective Date: January 1, 2008

SB 219 authorizes the Oregon Department of Employment to grant access to its employing unit records to the Oregon Department of Transportation (ODOT) to assist with debt collection. Other state agencies, such as the Departments of Consumer and Business Services and Economic and Community Development, are granted access to employing unit records for this purpose.

SB 219 allows ODOT to more quickly find debtors. The bill will improve ODOT's collection of delinquent fuel tax payments, motor carrier fees and returned checks.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$0	\$0
Effect on Revenues		\$450,000	\$600,000
Effect on FTE		0	0

Distraint Warrants

Senate Bill 220

Implementation Plan Manager: Doug Kleeb, Central Services, 503-378-5773

Effective Date: January 1, 2008

SB 220 expands the Department of Transportation's authority to issue warrants and garnish wages or tax refunds to collect on returned checks or civil penalties. The bill allows the department to use this authority when the amount of the debt has been determined by a court judgment or by an administrative proceeding. SB 220 makes collection action on a small debt, such as returned check written to pay DMV fees, cost effective.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	(\$60,000)	(\$80,000)
Effect on Revenues		\$300,000	\$400,000
Effect on FTE		0	0

Motor Carrier Safety

Senate Bill 221

Implementation Plan Manager: David McKane, Motor Carrier Transportation, 503-373-0884

Effective Date: January 1, 2008

SB 221 states clearly that Oregon's commercial motor vehicle law does not exempt motor carriers that operate in interstate commerce from federal motor carrier safety regulations. The bill deals proactively with concerns raised by the Federal Motor Carrier Safety Administration. SB 221 assures compliance with federal regulations and avoids risk of losing \$4.6 million in federal grants each biennium.

SAFETEA-LU Compliance

Senate Bill 222

Implementation Plan Managers: Jim Kelly, DMV, 503-945-5224

Craig Bonney, Motor Carrier Transportation, 503-378-4851

Effective Date: June 18, 2007

SB 222 brings Oregon into compliance with the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users (SAFETEA-LU). SAFETEA-LU preempts state action in several areas. SAFETEA-LU also creates a new nationwide system to register motor carriers and collect fees from them.

SB 222 removes several Oregon requirements that apply to interstate motor carriers. These include the requirements:

- To register and obtain a permit to operate in Oregon
- To file proof of financial responsibility with Oregon
- To display an Oregon weight-mile tax credential

SB 222 authorizes the Oregon Department of Transportation to participate in the new multi-jurisdictional agreement. The system will allow Oregon-based carriers to make their insurance filings and pay their interstate fees here in Oregon. The system will also allow ODOT to check if interstate carriers are current with their U.S. DOT insurance filing requirements.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Other	\$750,000	\$1,000,000
Effect on Revenues		\$750,000	\$1,000,000
Effect on FTE		0	0

Truck Weight Limits

Senate Bill 223

Implementation Plan Manager: Ed Scrivner, Motor Carrier Transportation, 503-378-6071

Effective Date: May 7, 2007

SB 223 provides a 400 pound exception to Oregon's weight limits for trucks that are equipped with alternative power units. The bill will encourage the use of alternative power units. Alternative power units are electric power supplies for large trucks that are used when the trucks are parked. The units supply electricity with lower diesel fuel use and emissions than the large truck engines.

This bill also brings Oregon law into compliance with federal mandates.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$5,000	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Railroad Inspector Qualifications

Senate Bill 224

Effective Date: January 1, 2008

SB 224 repeals the statute that establishes the qualifications for railroad inspectors employed by the Oregon Department of Transportation. The current statute recognizes a limited spectrum of railroad experience and does not meet minimum standards for experience required by the Federal Railroad Administration. SB 224 will strengthen the department's ability to recruit qualified railroad inspectors, thus providing better protection for the safety of the public and railroad employees.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Other	\$5,000	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Safe Routes to School

Senate Bill 242

Effective Date: January 1, 2008

SB 242 requires a school district to evaluate the need for safety improvements necessary to create safer routes to schools, when it seeks voter approval for bonds to fund a capital construction or improvement project that costs more than \$1 million. The district must evaluate the potential for joint funding with other public or private entities and consider including the cost of the improvements within the funding of the larger construction project.

Environmental Justice Task Force

Senate Bill 420

Effective Date: January 1, 2008

SB 420 creates a 12-member Environmental Justice Task Force, appointed by the Governor. The Task Force will define environmental justice issues in the state. It will advise the Governor and natural resource agencies, including ODOT, on environmental justice issues and identify communities affected by environmental decisions made by the agencies. It will also meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities.

The Task Force will submit an annual report to the Governor that identifies concerns and reports progress that state agencies are making toward achieving the goals established by the Task Force. The bill requires natural resource agencies to consider environmental justice issues, including community concerns and public participation in decision-making.

SB 420 directs state agencies to report annually to the Task Force. State agencies will assist the Task Force in its work. Agencies will also ensure that persons affected by natural resource agencies' decisions have a direct voice in those decisions.

Environmental justice issues generally encompass problems that have disproportionately negative impacts on minority and low-income communities.

Vehicle Passenger Safety

Senate Bill 480

Implementation Plan Managers: Jim Kelly, DMV, 503-945-5224

Carla Levinski, Transportation Safety, 503-986-4199

Effective Date: July 1, 2007

SB 480 requires that children be properly restrained when riding in motor vehicles. The bill requires:

- A child under one year of age to be secured in a rear-facing child safety system.
- A child who weighs less than 40 pounds to be secured in a child safety system.
- A child who weighs more than 40 pounds and who is four feet nine inches or shorter to be secured in a booster seat, provided that the child is under eight years of age.

SB 480 provides legal guidelines for Oregon parents/drivers on how to protect children in motor vehicles. The bill's provisions mirror the US Department of Transportation, National Highway Traffic Safety Administration's (NHTSA) "best practice" recommendations on occupant protection. NHTSA's best practices provide the highest achievable levels of occupant protection given the current state of technology, testing and research.

Adoption of SB 480 qualifies the Oregon Department of Transportation to apply for additional federal funding to supplement the public information and outreach efforts concerning the proper use of child safety systems and seatbelts.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$9,750	\$0
Effect on Revenues	Federal	\$494,500	\$989,500
Effect on FTE		0	0

Address Confidentiality for Police Officers

Senate Bill 537

Implementation Plan Manager: Mary Liedtke, DMV, 503-945-5197

Effective Date: January 1, 2008

This measure reinstates statutory authority to allow an Oregon State Police trooper, a county sheriff or deputy sheriff, or a city police officer to use a business address for DMV records rather than his or her home address. The authority was inadvertently repealed in 2005 when the term "police officer" in ORS 802.250(4)(d), which is narrowly defined, was taken to mean these law enforcement officials.

The Department of Transportation did not change its procedures after the 2005 session with respect to the address that a police officer may use on DMV records.

Interim Transportation Finance Studies

Senate Bill 566

Implementation Plan Managers: Doug Tindall, Highway, 503-986-3435

Effective Date: January 1, 2008

SB 566 creates a 10-member Joint Interim Committee on Transportation. The Committee will evaluate funding options to meet local and regional transportation needs, including modifications or expansions of statutory authority for local governments and the creation of regional transportation utility districts or other regional entities. The Committee will report to the 2009 session.

In addition, SB 566 requires the Oregon Transportation Commission to:

- Evaluate the real property owned by ODOT in order to maximize the return on investment in these properties for the State Highway Fund.
- Identify specific highway projects required to reduce traffic congestion, improve freight mobility and enhance safety in consultation with highway users, local governments and the Federal Highway Administration.
- Evaluate the projects of statewide significance in order to identify those that can be moved to construction within the next two biennia.

The Commission will report to the Joint Interim Committee on Transportation by July 1, 2008.

Finally, SB 566 changes the starting date for the seasonally required winter recreation parking area permits (also known as Sno-Park permits). The seasonal requirement will be in effect from November 1 to April 30 beginning in 2008; the season is currently in effect from November 15 to April 30.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$109,800	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Towing of Vehicles

Senate Bill 567

Implementation Plan Manager: Luci Moore, Highway, 503-986-3005

Effective Date: January 1, 2008

Road authorities (the Oregon Department of Transportation, a county or a city) have broad discretion to remove any vehicle from a bike lane or highway shoulder when it is a hazard or obstruction to traffic. The authority to remove such vehicles is clearly granted under current law on freeways within cities during the morning and evening rush hours.

SB 567 allows road authorities to remove vehicles weighing less than 26,001 pounds that are a hazard or obstruction from a freeway shoulder at any time. Road authorities may remove large vehicles (those weighing more than 26,000 pounds) during the morning and evening rush hours.

Crater Lake License Plate

Senate Bill 568

Implementation Plan Manager: Debi Mercer, DMV, 503-945-0879

Effective Date: January 1, 2008

SB 568 directs the Oregon Department of Transportation to forward proceeds of the Crater Lake registration plate to the Oregon Community Foundation. The Oregon Community Foundation will administer the funds to benefit the science and learning center at Crater Lake National Park. This bill ensures that money raised in Oregon continues to be invested in Oregon.

Emerging Small Business Contracts

Senate Bill 596

Effective Date: January 1, 2008

SB 596 allows ODOT to limit competition for a public contract to firms certified as emerging small business enterprises if the contract is estimated to cost \$100,000 or less and is funded by Emerging Small Business Account. An amount up to one percent of the value of each public improvement contract is set aside in the Emerging Small Business Account. The Account is used to assist small firms overcome barriers to participation in state public improvement and maintenance projects.

At-Risk Driver Program

Senate Bill 620

Implementation Plan Manager: Tami Boss, DMV, 503-945-5502

Effective Date: January 1, 2008

SB 620 expands the term "physician" for the purposes of the At-Risk Driver Program. The change allows a Doctor of Naturopathic Medicine, in addition to Doctors of Medicine and Osteopathy, to advise the department about a person's physical or cognitive ability to safely operate a motor vehicle. The department requires Doctors of Naturopathic Medicine to notify it when a physical or cognitive defect impairs a person's ability to safely operate a motor vehicle.

Speedway Destination Resort

Senate Bill 665

Effective Date: July 17, 2007

SB 665 expands the development options associated with the proposed Morrow County Speedway. The bill further explains the master planning process for a speedway and expands development options, while maintaining the funding requirements for transportation system upgrades and changes.

The 2005 Legislative Assembly passed legislation to facilitate a speedway development in Morrow County. The 2005 legislation required that the private developer of a speedway would be financially responsible for transportation improvements that were needed to support a speedway. In addition, the developer or the organizer of a specific event would be responsible for any temporary traffic control measures required by an event.

Wheelchair Use Only Parking Spaces

Senate Bill 716

Implementation Plan Manager: Jim Kelly, DMV, 503-945-5224

Effective Date: January 1, 2008

SB 716 modifies the provisions of Oregon's program for designating accessible parking spaces for use by people with disabilities. The bill requires some accessible parking spaces to be reserved for van parking. In addition, large parking lots (more than 100 spaces) must designate one space for use by wheelchair users only for every eight accessible parking spaces.

The Oregon Department of Transportation will issue a "Wheelchair User" placard that is authorized in SB 716 to individuals who use wheelchairs or other similar mobility devices. Individuals who display a "Wheelchair User" placard may park in spaces designated for wheelchair users only; others are subject to a Class A violation with a minimum fine of \$190.

A "Wheelchair User" placard entitles an individual to park in a public parking zone without paying the parking meter fee and without regard to length of stay restrictions. Local governments with public parking zones may choose to extend these privileges to others who have disabled parking permits.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$119,036	\$4,000
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Limited Vision Driving

Senate Bill 728

Implementation Plan Manager: Tami Boss, DMV, 503-945-5502

Effective Date: January 1, 2008

The 2003 Legislative Assembly authorized a four-year pilot program under which individuals who have impaired vision may apply for and receive a driver permit or license. An individual must submit a report from a vision specialist certifying that he or she meets the program's vision standards in order to apply for a license or permit. In addition, the applicant must complete a training program. These drivers have a restricted license that allows them to drive only:

- When wearing a bioptic telescopic lens.
- During daylight hours
- On roads with a posted speed or speed limit of 45 mph or less.

SB 728 removes the pilot program's June 30, 2008 sunset date and makes the program permanent. The bill removes the restriction that these drivers may only drive on highways with posted speeds of 45 mph or lower. SB 728 also authorizes a new pilot program that would allow individuals with limited vision to qualify to drive at night. The new pilot would sunset in 2011.

There are currently 16 participants in the program. These individuals have driven and are driving safely. SB 728 maintains conditions to ensure safety and provides mobility to certain individuals with limited vision.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$9,750	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Study of Bioaccumulative and Toxic Pollutants in Water

Senate Bill 737

Effective Date: June 28, 2007

SB 737 requires the Department of Environmental Quality (DEQ) to study the amount of persistent bio-accumulative toxins discharged into Oregon's waterways and proposals to reduce those discharges. DEQ's study will focus on large "point-source" discharges. While ODOT holds a permit for storm water discharge (a non-point source), the department will cooperate with DEQ to facilitate its study.

"Share The Road" Registration Group Plate

Senate Bill 789

Implementation Plan Manager: Debi Mercer, DMV, 503-945-0879

Effective Date: January 1, 2008

SB 789 authorizes the Oregon Department of Transportation to issue a "Share the Road" group plate. The department will consult with the Bicycle Transportation Alliance and Cycle Oregon to design the plate. "Share the Road" group plates will be made available to vehicle owners for a one-time surcharge of \$10 (\$5 per plate) in addition to the required vehicle registration fee.

The department will credit the proceeds from "Share the Road" plates, less the department's expenses, to the Bicycle Transportation Alliance and Cycle Oregon. Both organizations are private non-profits. They will use the money to improve awareness of responsibility to share the road and improve bicycle and pedestrian safety.

	(Fund Type)	2007-09	2009-11
Effect on Expenditures	Bicycle Transportation Alliance and Cycle Oregon	\$26,103	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Pedestrian Crossings on MAX Light Rail System

Senate Bill 829

Effective Date: January 1, 2008

SB 829 requires the Tri-County Metropolitan Transportation District (Tri-Met) to commission an independent study of pedestrian crossings on its MAX light rail system and to make recommendations regarding safety at crossings.

County Funding – Replacing Federal Secure Rural Schools Program Funding

Senate Bill 994

Implementation Plan Manager: Darel Capps, Highway, 503-986-3880

Effective Date: August 9, 2007

SB 994 makes statutory changes to support the legislatively approved budgets for some state agencies and to implement other decisions made during the budget review process. The portions of the bill that affect ODOT include:

- Revises the Special County Allotment Program to allocate \$750,000 in supplemental assistance among counties whose county road resources are less than \$4,500 per county arterial and collector mile.

- Allocates \$56.25 million from the state highway program to counties to replace funding lost when the federal Secure Rural Schools and Community Self-determination Act (P.L. 106-393) was not re-authorized.

SB 994 specifies how much each county will receive and requires that they consult with their cities concerning project selection. Counties will report what was done with the money to the 2009 Legislative Assembly.

SB 994 allows ODOT to temporarily reduce the amount of money dedicated to the State Modernization Program.

SB 994 is one of several bills that affect ODOT's 2007-2009 legislatively-approved budget. [HB 5047](#) is the primary budget bill (see page 21). [SB 5549](#) revises ODOT's expenditure limitations to accommodate SB 994 (see page 38).

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$56,250,000	\$0
Effect on Revenues		\$0	\$0
Effect on FTE		0	0

Tollways

Senate Bill 1022

Implementation Plan Manager: Jim Whitty, Office of Innovative Partnership, 503-986-4284

Effective Date: January 1, 2008

SB 1022 enables the construction of modern toll facilities in Oregon. The bill authorizes the use of electronic toll collection and photo enforcement of payment on toll roads and bridges. It provides a legal foundation that allows the effective enforcement for electronic tolling, rather than traditional toll collection that relies on tollbooths and tollgates.

SB 1022 better coordinates the statutes governing toll facilities with those governing public-private partnerships. The bill also repeals obsolete statutes that relate to toll roads and bridges. It clarifies the requirements that apply to toll facilities that will be proposed or built in the future by removing provisions that were made to support proposals dating from the 1920s.

The Oregon Transportation Commission will adopt rules under SB 1022 to approve the toll rates to be paid for use of state-owned toll facilities, to adopt the technology for toll collection and photo enforcement, and to collect unpaid tolls, civil penalties and administrative fees.

SB 1022 allows counties and cities to approve tolls on facilities that they own.

	<u>(Fund Type)</u>	<u>2007-09</u>	<u>2009-11</u>
Effect on Expenditures	Highway	\$40,000	\$160,000
	Toll Acct	0	\$690,000
Effect on Revenues		\$40,000	\$690,000
Effect on FTE		0	0.62

Approval of Fees Adopted by Administrative Rule

Senate Bill 1032

Effective Date: July 17, 2007

SB 1032 allows state agencies to adopt fees for copying public records, fees for seminars, and any new fee or fee increase that is anticipated in the legislatively-approved budget without seeking approval during the next legislative session. Generally, the Legislative Assembly must approve new fees or increases in fees that state agencies adopt by administrative rule during the interim. There are a number of exceptions to this general rule.

2005-2007 Omnibus Budget Adjustments

Senate Bill 5545

Implementation Plan Manager: Darryl Ficker, Central Services, 503-986-3918

Effective Date: May 9, 2007

SB 5545 adjusted appropriations and limitations for various state agencies for the 2005-2007 biennium. Sections 7 and 8 of the bill increased ODOT's Other Fund and Federal Fund limitations to pay expenses. The increases include:

Highway Division:

Maintenance and Emergency Relief Programs	\$10,074,515	Other Funds
Safety Program	\$4,473,122	Other Funds
Special Programs	\$4,911,997	Other Funds
Public Transit Division	\$1,481,000	Other Funds
Driver and Motor Vehicle Services Division	\$80,000	Federal Funds

[HB 5047](#), ODOT's primary 2007-2009 budget bill (see page 21), also increased Public Transit's Federal Funds limitation for the 2005-2007 biennium by \$2,022,471.

	(Fund Type)	2007-09
Effect on Expenditures	Other	\$20,940,634
	Federal	\$80,000
	Total	\$21,020,634

2007-2009 Omnibus Budget Reconciliation

Senate Bill 5549

Implementation Plan Manager Darryl Ficker, Central Services, 503-986-3918

Effective Date: August 9, 2007

SB 5549 adjusts state agencies' 2007-2009 legislatively-approved budgets to implement decisions made during the budget review process. Portions of the bill have the following effects on ODOT:

- Reduces ODOT's 2007-2009 budget by \$276,566 (Other Funds) and one full-time equivalent position to reflect the transfer of the Board of Maritime Pilots to the Public Utility Commission. The transfer is authorized in [HB 2243](#) (see page 2).
- Increases ODOT's 2007-2009 budget by \$56.25 million for the backfill of counties' lost revenue due to the federal Secure Rural Schools program. The transfer is authorized in SB 994 (see page 36).
- Reduces ODOT's 2007-2009 budget by \$359,705 (Other Funds) and \$5,169 (Federal Funds) to reflect changes in the rates charged by PERS, Department of Justice and State Treasury during the budget process.

SB 5549 is one of several bills that affect ODOT's 2007-2009 legislatively-approved budget. [HB 5047](#) is the primary budget bill (see page 21).

	<u>(Fund Type)</u>	<u>2007-09</u>
Effect on Expenditures	Other	\$55,613,729
	Federal	<u>(\$5,169)</u>
	Total	\$55,608,560
Effect on Revenues	Other	(\$276,566)
Effect on FTE		(1.00)

Columbia River Crossing

Senate Joint Resolution 15

Effective Date: Filed with the Secretary of State on June 14, 2007

SJR 15 declares legislative support for the Columbia River Crossing Project. The CRC is a joint Oregon – Washington project. The project will relieve traffic congestion, improve freight mobility and replace the two aging I-5 bridges that now join Portland and Vancouver.

In its resolution, the Legislative Assembly recognizes the strong partnerships among all levels of government, the private sector and the public, supports efforts to streamline the federal regulatory process and supports advocacy by both the Oregon and Washington Congressional Delegations to obtain funding for the project.

Blue Star Memorial Highway Day

Senate Joint Resolution 23

Effective Date: Filed with the Secretary of State on May 22, 2007

SJR 23 designates the Sunday before Veterans Day as the annual Blue Star Memorial Highway Day. The Blue Star Memorial Program was established in the 1940s as a way to recognize all veterans of the U.S. Armed Forces and their families. OR 99E and OR 99W were designated as Blue Star Memorial Highways.

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