

Enrolled
House Bill 2738

Sponsored by Representative BERGER (at the request of Department of Transportation)

CHAPTER

AN ACT

Relating to personnel of the Department of Transportation; amending ORS 184.615, 184.620, 184.625, 802.155 and 802.310.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 184.615 is amended to read:

184.615. (1) The Department of Transportation is established.

(2) The Department of Transportation shall consist of the Director of Transportation and all personnel employed in the department. Except as otherwise provided in subsections (4) and (5) of this section, for purposes of administration, subject to the approval of the Oregon Transportation Commission, the director may organize and reorganize the department as the director considers necessary to properly conduct the work of the department.

(3) The department shall carry out policies adopted by the commission and all duties and responsibilities vested in it by law including, but not necessarily limited to, duties and responsibilities concerning drivers and motor vehicles, highways, motor carriers, public transit, rail, transportation safety and the Oregon Board of Maritime Pilots.

(4) The director shall appoint [*a manager*] **an administrator** for each area of critical concern to the department. The [*manager*] **administrator** shall be responsible for planning and operations in that area, for relationships between the department and persons affected by the operations of the area, for advocacy of the area within the department planning and operations processes and for such other duties as may be provided by law. For purposes of this subsection, "area of critical concern" includes, but is not necessarily limited to, driver and motor vehicle services, highways, motor carriers, public transit, rail, transportation safety and maritime pilotage. In appointing [*managers*] **administrators** under this subsection, the director shall consider recommendations of any advisory committee interested in the area of responsibility. **Administrators appointed under this subsection are in the unclassified service for purposes of the State Personnel Relations Law.**

(5) Whenever a duty or function is specifically given by statute to the director, and that duty or function involves day-to-day operations of an area of critical concern to the department, the director shall delegate the duty or function to the [*manager*] **administrator** of the area of critical concern.

SECTION 2. ORS 184.620 is amended to read:

184.620. (1) The Department of Transportation shall be under the supervision of a Director of Transportation who shall be appointed by and shall hold office at the pleasure of the Governor.

(2) The appointment of the director shall be subject to confirmation by the Senate in the manner provided by ORS 171.562 and 171.565.

(3) The director may appoint:

(a) Deputy directors with full authority to act for the director, but subject to the director's control. The appointment of a deputy director shall be by written order filed with the Secretary of State. A deputy director shall be in the unclassified services for purposes of the State Personnel Relations Law.

[(b) Assistant directors as the director determines necessary to carry out the responsibilities of the department. The director may delegate to and assign to an assistant director any powers and responsibilities the director determines to be necessary. Assistant directors are in the unclassified services for purposes of the State Personnel Relations Law.]

(b) One executive assistant for each deputy director appointed under this section and one for each administrator appointed under ORS 184.615 (4). Executive assistants appointed under this paragraph are in the unclassified service for purposes of the State Personnel Relations Law.

(c) All subordinate officers and employees of the department and may prescribe their duties, assignments and reassignments and fix their compensation, subject to any applicable provisions of the State Personnel Relations Law.

SECTION 3. ORS 802.155 is amended to read:

802.155. (1) There is created the Safety Education Fund, separate and distinct from the General Fund. Interest earned by the fund shall be credited to the fund.

(2) Moneys deposited in the Safety Education Fund from the Criminal Fine and Assessment Public Safety Fund are continuously appropriated to the office of the *[manager]* **administrator** of the Transportation Safety section of the Department of Transportation to be used for safety education programs:

(a) That provide injury prevention education on traffic safety issues for each age group in the kindergarten through college ages;

(b) That have been recipients of funds under 23 U.S.C. 402 for at least three years;

(c) That are found by the Transportation Safety section to be effective, as measured by the three-year reporting cycle funded under 23 U.S.C. 402; and

(d) That operate statewide.

SECTION 4. ORS 802.310 is amended to read:

802.310. (1) The *[manager]* **administrator** for transportation safety shall serve as the Governor's representative for highway safety in conformity with the Federal Highway Safety Act of 1966. The Director of Transportation and the Oregon Transportation Commission shall be responsible to the Governor for the administration of the state transportation safety programs. All reports and recommendations relating to program evaluations, assignment of responsibilities and approval of plans and activities shall be provided to the Governor by the commission.

(2) The Department of Transportation, in consultation with the Transportation Safety Committee, shall do the following:

(a) Organize, plan and conduct a statewide transportation safety program.

(b) Coordinate general activities and programs of the several departments, divisions or agencies of the state engaged in promoting transportation safety.

(c) Provide transportation safety information and develop other measures of public information.

(d) Cooperate fully with all national, local, public and private agencies and organizations interested in the promotion of transportation safety.

(e) Serve as a clearinghouse for all transportation safety materials and information used throughout the state.

(f) Cooperate in promoting research, special studies and analysis of problems concerning transportation safety.

(g) Make studies and suitable recommendations to the legislature concerning safety regulations and laws.

(3) The department shall review plans and applications for participation by counties and cities in the federal government highway safety programs conducted under the Federal Highway Safety

Act of 1966 and any amendments thereto. The committee shall make recommendations to the department regarding the approval of plans and applications under ORS 802.315.

SECTION 5. ORS 184.625 is amended to read:

184.625. The Director of Transportation and any deputy directors shall receive such salary as may be provided by law or as fixed by the Governor. In addition to salaries, the director[,] **and** deputy directors [*or assistant directors*], subject to the limitations otherwise provided by law, shall be reimbursed for all reasonable expenses necessarily incurred in the performance of official duties.

Passed by House March 22, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate May 3, 2005

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President of Senate

Received by Governor:

.....M.,....., 2005

Approved:

.....M.,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2005

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Secretary of State