

House Bill 2738

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies that specified administrators in Department of Transportation are in unclassified service. Authorizes appointment of executive assistants in department and specifies that they are in unclassified service.

A BILL FOR AN ACT

1
2 Relating to personnel of the Department of Transportation; amending ORS 184.615, 184.620, 184.625,
3 802.155 and 802.310.

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

5 **SECTION 1.** ORS 184.615 is amended to read:

6 184.615. (1) The Department of Transportation is established.

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

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

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

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

30 **SECTION 2.** ORS 184.620 is amended to read:

31 184.620. (1) The Department of Transportation shall be under the supervision of a Director of

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 Transportation who shall be appointed by and shall hold office at the pleasure of the Governor.

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

4 (3) The director may appoint:

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

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

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

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

20 **SECTION 3.** ORS 802.155 is amended to read:

21 802.155. (1) There is created the Safety Education Fund, separate and distinct from the General
22 Fund. Interest earned by the fund shall be credited to the fund.

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

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

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

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

32 (d) That operate statewide.

33 **SECTION 4.** ORS 802.310 is amended to read:

34 802.310. (1) The [*manager*] **administrator** for transportation safety shall serve as the Governor's
35 representative for highway safety in conformity with the Federal Highway Safety Act of 1966. The
36 Director of Transportation and the Oregon Transportation Commission shall be responsible to the
37 Governor for the administration of the state transportation safety programs. All reports and rec-
38 ommendations relating to program evaluations, assignment of responsibilities and approval of plans
39 and activities shall be provided to the Governor by the commission.

40 (2) The Department of Transportation, in consultation with the Transportation Safety Commit-
41 tee, shall do the following:

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

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

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

1 (d) Cooperate fully with all national, local, public and private agencies and organizations inter-
2 ested in the promotion of transportation safety.

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

5 (f) Cooperate in promoting research, special studies and analysis of problems concerning trans-
6 portation safety.

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

9 (3) The department shall review plans and applications for participation by counties and cities
10 in the federal government highway safety programs conducted under the Federal Highway Safety
11 Act of 1966 and any amendments thereto. The committee shall make recommendations to the de-
12 partment regarding the approval of plans and applications under ORS 802.315.

13 **SECTION 5.** ORS 184.625 is amended to read:

14 184.625. The Director of Transportation and any deputy directors shall receive such salary as
15 may be provided by law or as fixed by the Governor. In addition to salaries, the director[,] **and**
16 deputy directors [*or assistant directors*], subject to the limitations otherwise provided by law, shall
17 be reimbursed for all reasonable expenses necessarily incurred in the performance of official duties.
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