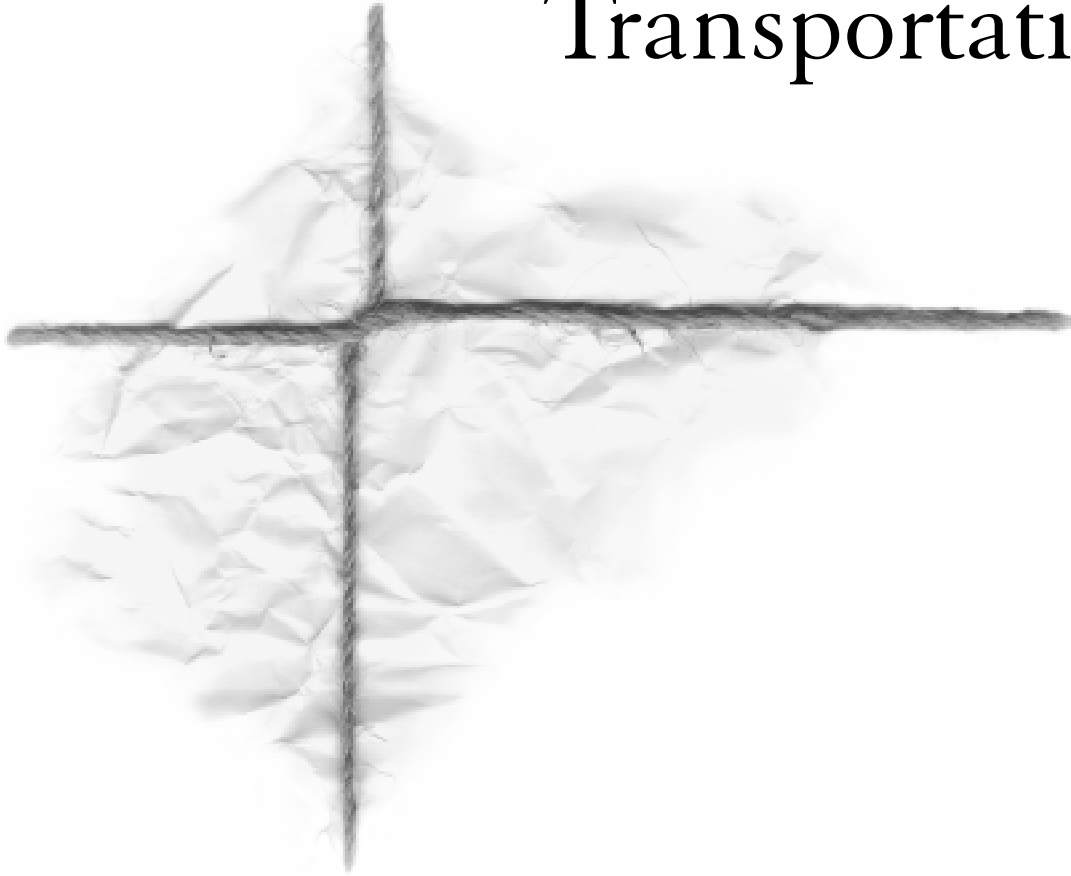


Transportation



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Summary
of Major
Legislation

Senate Bill 76

Relating to aeronautical rescue activities.

SB 76 transfers responsibility for coordinating air search and rescue from the Oregon Department of Transportation (ODOT), Aeronautics Section, to the Department of State Police (OSP), Office of Emergency Management.

Currently, OSP's Office of Emergency Management (OEM) coordinates land-based search and rescue efforts and ODOT has statutory responsibility to coordinate air search and rescue. Air search and rescue activities are funded through pilot registration fees. In 1994, ODOT's Aeronautics Section initiated a two-year memorandum of understanding with the OEM specifying that OEM assume responsibility for coordination of air search and rescue activities. OEM staffs a 24-hour center and their rescue efforts often combine ground and air search activities. The agreement provides one point of coordination and contact for such rescue activity. SB 76 maintains the current arrangement and makes the statutory changes necessary to effect the transfer.

Effective Date: October 4, 1997

Senate Bill 372

Relating to registration plates.

SB 372 requires the Oregon Department of Transportation to issue special recognition registration license plates. Veterans' group plates will be available for a surcharge of \$5 per plate. Net proceeds are to be used for the Oregon Veterans' Home. If the group requesting the plates represents persons who have been awarded the Purple Heart Medal, the measure requires the plates to contain an image of the medal.

If the group requesting the plates is an institution of higher education, the plates may contain appropriate words, a logo, or image of the mascot for a surcharge of \$16 per plate. Net proceeds shall be used for academic enrichment at the institution.

The bill also requires the Department of Transportation to establish a salmon license plate at a surcharge of \$15 per plate. Net proceeds are to be divided between watershed enhancement projects and state parks. The measure discontinues the Oregon Trail License plates, but permits the sale of existing stock.

Effective Date: October 4, 1997

Senate Bill 437

Relating to motor vehicles.

SB 437 creates the offense of failure to yield right of way to a transit bus entering traffic, a Class D traffic infraction punishable by a maximum fine of \$75. It requires a transit bus to signal with a flashing light when the bus is attempting to reenter a traffic lane. Currently, when any vehicle enters traffic, the operator is responsible for making sure that there is adequate space to access the travel lane. SB 437 grants the right of way to transit buses entering the traffic stream.

Effective Date: October 4, 1997

Senate Bill 459

Relating to tollways.

SB 459 authorizes a tollway project in the Portland metropolitan area. Because of limited new construction funding, transportation planners are considering other ways to fund projects and to reduce congestion in the metro region. The 1995 legislature authorized but did not fund two tollway projects, a Newberg-Dundee bypass and a Tualatin-Sherwood connector. The 1995 legislation (now ORS 383.001- 383.023) specified design standards and other requirements that projects must meet in order to be built. SB 459 does not appropriate money or require any project be built, but it does add an unspecified project in the Portland area to the list of authorized projects. By including a metro-area tollway in the list of projects, SB 459 authorizes the Department of Transportation to enter into agreements with public and/or private entities for the construction, operation, and maintenance of a tollway under the existing standards and requirements. The measure further requires ODOT to consider the effect of a proposed tollway project on community and local street traffic.

Effective Date: October 4, 1997

Senate Bill 620

Relating to reporting of accidents.

SB 620 increases from \$500 to \$1000 the property damage threshold requiring a motor vehicle accident report. Accidents involving injuries or deaths are required to be reported regardless of the amount of property damage.

With Oregon's growing population, and increased miles driven, and repair costs, DMV is processing a rising

number of accident reports. In 1955 there was an increase of 10,000 accidents over the prior year, resulting in 20,000 more accident reports to process.

Effective Date: October 4, 1997

Senate Bill 758

Relating to traffic law enforcement.

SB 758 provides an affirmative defense to the crime of fleeing or attempting to elude a police officer if the officer is in an unmarked vehicle and the person to be stopped proceeds lawfully to an area the person reasonably believes was necessary to reach before stopping. The Oregon State Police believe that unmarked cars are an effective enforcement tool, but recognize citizen concern for the safety of drivers stopped by a vehicle not clearly marked as a law enforcement vehicle.

Effective Date: October 4, 1997

Senate Bill 1181

Relating to the Driver and Motor Vehicle Services Branch of the Department of Transportation.

SB 1181 allows the Department of Transportation, after completing a study and report to the legislature, to enter into agreements with private entities to transact driver or vehicle services. Services may include the electronic issuance of vehicle titles, immediate issuance of titles and registration documents, testing for driver licenses and permits, and issuance of identification cards. Agreements entered into under this measure may allow the department to ensure product quality control, audit activities of the contracting parties and impose sanctions for the violation of agreements.

SB 1181 requires the Department of Transportation to report to the Joint Legislative Committee on Information Management and Technology and to the Seventieth Legislative Assembly. The report is to include results of a study of the possibility of such agreements, any agreements entered into with integrators, any problems encountered in reaching agreements, any rules adopted in carrying out business with integrators, and any other matter the department deems pertinent to carrying out the intent and purposes of a public-private partnership.

Effective Date: July 23, 1997

Senate Joint Resolution 6

Relating to aircraft owned or operated by the State of Oregon.

SJR 6 declares it to be the public policy of the State of Oregon that aircraft owned or under the operational control of the state, or any agency or political subdivision of the state, be subject to operation and maintenance standards equal to standards prescribed by the Federal Aviation Administration for civil aircraft performing similar functions. Under current Federal Aviation Administration regulations, public use aircraft are exempt from most standards covering aircraft operation and maintenance. There is concern that the Department of Defense will sell several thousand helicopters over the next few years at very low cost. These aircraft may be attractive to state and local governments because of their low initial cost. However, they may be costly to bring up to civil aircraft standards and, therefore, have the potential to be operated by public agencies under lesser standards.

Adopted: June 4, 1997

House Bill 2096

Relating to records of the Department of Transportation.

HB 2096 conforms Oregon law with the federal Driver Privacy Protection Act by prohibiting release of personal information, including home addresses, in DMV records except as specifically authorized. The measure lists categories of persons authorized to obtain personal information and the purposes for which the information may be obtained including but not limited to matters concerning driver and vehicle safety, emissions, alterations, recalls and debt collection by legitimate businesses. The measure limits re-disclosure of personal information obtained from DMV, requiring persons disclosing information to keep records of those to whom information was disclosed for a period of five years.

HB 2096 authorizes DMV to establish fees to cover the actual costs of making information available and to specify conditions that provide reasonable assurance of the identity of the information requester and their proper use of the information. The measure also requires DMV to obtain permission from a person to release their personal information if the requester does not otherwise qualify to obtain the information. The

measure establishes as a Class A misdemeanor knowingly obtaining or using information in violation of the provisions and provides a private right of action (for the greater of actual damages or \$2,500) against any person who knowingly obtains or uses such information illegally.

Under Oregon Public Records Law, state and local government records are public unless they are specifically exempt from disclosure by statute. The only DMV records previously exempt from disclosure were medical information, accident reports filed by individuals, and addresses of persons whose safety was at risk and who had established necessity for the confidentiality of their address. A person could also request that their name be excluded from lists sold by DMV for direct mail advertising purposes. These existing exemptions are maintained under HB 2096.

In 1994, Congress passed the Driver's Privacy Protection Act as an amendment to the Violent Crime Control and Law Enforcement Act, requiring states to conform their driver records laws by September 1997. Federal law authorizes fines of up to \$5,000 per day for substantial noncompliance by a state, and establishes a private cause of civil action by a person whose record is disclosed against a person who knowingly obtains, discloses, or uses personal information for an unlawful purpose.

Effective Date: September 13, 1997

House Bill 2117

Relating to watercraft certificate fees.

HB 2117 increases motorboat and sailboat registration fees by \$4.00 every two years for most size classes, by \$9.00 every two years for motorboats and sailboats over 20 feet, and \$14.00 every two years for motorboats less than 12 feet and more than 30 horsepower (including personal watercraft).

The fees support functions of the Oregon State Marine Board which include recreational boat registration, law enforcement through contracts with county sheriffs and the State Police, grants to local governments for marine access facilities, and boater information and boater safety education programs. The registration fees and separate titling fees fund approximately 30% of Marine Board activities, with the remainder funded by boat fuel taxes (60%) and federal funds (10%). The fee increase is recommended by the State Marine Board in order to maintain existing programs following reduc-

tions in federal funds. Boat registration fees were last raised in 1981.

Effective Date: October 4, 1997

House Bill 2138

Relating to recreational vehicle trip permits.

HB 2138 limits the use of recreational vehicle (RV) trip permits for campers, travel trailers, and motor homes to ten days in any twelve-month period and establishes a fee of \$30 for a ten-day recreational vehicle trip permit. The measure also transfers RV trip permit fees to the State Parks and Recreation Department Fund which supports operation of state parks and those county parks that have camping facilities.

Although RV registration fees have been dedicated to the State Parks and Recreation Fund prior to passage of HB 2138, RV owners could operate under a \$40 trip permit for up to 120 days a year and the trip permit revenue was transferred to the Highway Fund. Increasing use of trip permits has caused a decline in revenue available to state and county park programs.

Effective Date: October 4, 1997

House Bill 2519

Relating to left-turn lanes.

HB 2519 creates the offense of misuse of a special left-turn lane, a Class B traffic infraction. The offense is defined as using the median lane for anything other than making a left turn either into or from the median lane. The bill permits a turn into the median lane from a side street or other entrance to the highway prior to merging with traffic, which is currently not allowed, but would disallow traveling in the lane after such an entrance.

Although median left-turn lanes are common in Oregon, their use has not been clearly defined in law. It is a common practice, but not a legal one, to use the median lane to make a left turn onto the highway, in other words to cross traffic and turn into the median lane from a side street or driveway prior to merging with traffic. Currently, it is only legal to move into that lane prior to making a left turn from the highway.

Effective Date: October 4, 1997

House Bill 2598

Relating to motor vehicle lights.

HB 2598 authorizes both police and fire vehicles to use blue or white lights, or both. Current law authorizes blue lights on police vehicles, but not white. The opposite is true for fire vehicles, which are authorized to use white, but not blue lights.

The measure also authorizes use of a one-inch-diameter blue or purple insert in a taillight assembly on vehicles manufactured before 1959. Under current law, all taillights must emit a red light and be plainly visible from a distance of 500 feet when lighted. The bill was introduced at the request of the Multnomah Hot Rod Council and other auto clubs, who report that blue or purple inserts have been used in hot rod taillights since the 1930s.

Effective Date: October 4, 1997

House Bill 2605

Relating to airports.

HB 2605 amends airport planning statutes and changes the types of airports that must be included in local comprehensive plans as well as those subject to Land Conservation and Development Commission (LCDC) airport planning rules. The measure applies to publicly owned airports recognized by the Department of Transportation (ODOT) by December 31, 1994, that were the base for three or more aircraft during that year and certain privately owned public-use airports specifically identified in ODOT administrative rules.

The bill also requires local governments to recognize the location of private-use airports, and those privately owned public-use airports not identified in ODOT administrative rules, if the airports were the base for three or more aircraft by December 31, 1994. For these airports, the bill imposes different requirements on local governments and makes certain restrictions on local government authority to limit operations. The bill also authorizes local governments to adopt standards and requirements for the establishment of new airports, the expansion of existing airports and the regulation of uses and activities at airports serving two or fewer aircraft.

HB 2605 requires LCDC, following consultation with ODOT, to adopt rules for uses and activities allowed within the boundaries of airports identified by ODOT rule; and of airports not listed, where three or more aircraft are based. It specifies the aviation-related uses

and activities which local government land use regulations are to authorize within airport boundaries. It requires all other land uses and activities permitted within airport boundaries, other than the uses and activities specified in the bill, to comply with applicable land use laws and regulations. It exempts airports with an existing or approved control tower.

The bill specifies that these provisions are not intended to allow the approval or expansion of a land use activity inside the boundaries of an airport if the activity has been limited or prohibited by the decision of a court of competent jurisdiction rendered prior to the legislation's effective date.

The bill also requires LCDC, following consultation with ODOT, to adopt rules establishing compatibility and safety standards for uses of land near those airports identified by ODOT rule. It establishes requirements and conditions applicable to safety risks associated with potential bird strikes resulting from new water impoundments but exempts certain storm water management basins and certain agricultural water impoundments.

SB 1113 (1995) addressed concerns related to increasing development, incompatible uses near airports, and airport-area conflicts, by requiring LCDC and ODOT to provide statewide standards regarding activities at airports and by giving agencies a greater role in assuring the continuation of a statewide aviation system. HB 2605 maintains a level of planning protection to essential airports and provides "right-to-fly" provisions for other lawfully established airport uses.

Effective Date: August 13, 1997

House Bill 2898

Relating to waterways.

HB 2898 creates a seven-member Joint Legislative Interim Committee on Navigability with three Senate members to be appointed by the Senate President, three House members by the Speaker, and one member to be selected by the appointed members from the legislative body. The bill requires the appointing authority to consult with the Governor and other interested parties to ensure a bipartisan and impartial committee and requires the committee to establish procedures to provide all affected parties an opportunity to participate in the process and work plan.

The measure directs the committee to review navigability study requests submitted to the Division of State

Lands (DSL) and the State Land Board, examine issues relating to navigability determinations and associated rights of waterway users and property owners, review federal navigability determinations, past legislative proposals, and approaches of Oregon and other states to addressing public use, ownership, and riparian property rights, and submit recommendations to the Legislative Assembly by December 1, 1998.

Courts have ruled, with few exceptions, that the beds and banks of all navigable rivers, up to the ordinary high water line, are public property. The 1995 legislature established a process that the State Land Board and DSL must follow in undertaking navigability studies. The board may authorize DSL to perform navigability studies after determining there is substantial public interest or sufficient economic justification. DSL submits recommendations to the Land Board which makes a determination whether they consider a waterway to meet the criteria, but only courts can adjudicate title to land based on navigability.

HB 2898 prohibits the State Land Board from directing DSL to conduct a navigability study or to assert or waive a state ownership claim to submerged or submersible lands without first submitting a report to the Joint Legislative Interim Committee on Navigability and obtaining an advisory opinion on the action. The bill sunsets on December 31, 1999.

Effective Date: October 4, 1997

House Bill 3043

Relating to toll bridges.

HB 3043 authorizes the Port of St. Helens to plan, finance, construct, and own a toll bridge at or near the current site of the Lewis and Clark Bridge over the Columbia River near Rainier, Oregon. The Lewis and Clark Bridge between Rainier and Longview, formerly known as the Longview Bridge, was built in 1930 and is in need of replacement. Legislation passed in 1995 authorized the Department of Transportation (ODOT) to build tollway projects in public-private partnership and with various combinations of flexible contracting, tolling, and ownership provisions. HB 3043 adds the Lewis and Clark bridge replacement to the list of tollway projects authorized under statute. HB 3043 also authorizes the Port of St. Helens to do the project either independently or jointly with the Port of Longview in Washington State, specifies that the construction and operation of a toll bridge will be subject to regulation by ODOT, authorizes ODOT, in partnership with the

Washington Department of Transportation, to enter into contracts or agreements with the ports for the construction and operation, including design-build lease or lease purchase agreements, and specifies that title to the bridge may remain permanently with the Port of St. Helens and the Port of Longview.

Effective Date: October 4, 1997

House Bill 3463

Relating to tires.

HB 3463 authorizes the Department of Transportation (ODOT) to establish traction standards and to approve, as traction tires, snow tires that meet the standards. These tires, as well as studded tires, would be legal when traction tires are required. The measure does not affect ODOT's authority to require chains when conditions merit. The bill also shortens studded tire season by one month in the spring and authorizes longer, heavier studs for use on larger tires.

ODOT has been working with the tire industry on ways to reduce the serious problems caused by studded tire damage on Oregon roads. Improved snow tires are approaching the traction effectiveness of studded tires.

Effective Date: October 4, 1997

Measures Vetoed by the Governor Senate Bill 953

Relating to inspection of vehicles.

SB 953 requires companies that operate commercial trucks in Oregon to submit these vehicles for safety inspection within 90 days of receiving operating authority from the Department of Transportation (ODOT). Failure to do so subjects the carrier's certificate, permit, or license to suspension or cancellation. The measure further requires safety testing of any vehicle over 26,000 pounds that is acquired by the state for government use.

ODOT currently has the right to inspect the commercial vehicles of a motor carrier under ORS 823.023. If a motor carrier fails to have its vehicles inspected as required, the department may file an administrative complaint. SB 953 changes the administrative procedure to an administrative suspension after a carrier has been given a ten-day notice.

Governor's Veto Message

(August 8, 1997):

I am returning herewith Senate Bill 953, unsigned and disapproved.

In its original form, Senate Bill 953 sought to amend ORS 825.139 to require that certain motor carriers make their vehicles available for a safety inspection within 90 days of receiving authority to operate in Oregon. Such pre-operational safety inspections are currently required by administrative rule, OAR 740-035-0150(2), established February 16, 1996. Senate Bill 953 in its original form would have streamlined the procedure for suspending a motor carrier for noncompliance, which currently includes a notice of proposed suspension, an opportunity for hearing, and then an order of suspension. Senate Bill 953 would have amended ORS 825.139(2) so that there would be a 10-day notice of suspension period and then automatic suspension absent receipt of a request for hearing.

These objectives can be achieved through rule making.

Senate Bill 953 was subsequently amended during the legislative committee process in such a way as to additionally require that all state agencies also make their trucks available for safety inspection within 90 days of being acquired. Rather than a one-time requirement for motor carriers new to Oregon, the state would be forever required to make every new vehicle available for inspection. In the majority of instances, this means the state would be busy inspecting factory fresh newly acquired vehicles. The staff of state safety inspectors would be distracted from inspecting vehicles legitimately

requiring such inspection and public safety on the highways would be negatively impacted. This amendment was ill considered and renders the bill in its final form impractical to implement and a step backwards for safety on our highways.

House Bill 2454

Relating to motorcycle helmets.

HB 2454 limits the motorcycle and moped helmet requirement to operators and passengers under 21 years of age. The measure requires the Director of the Department of Consumer and Business Services to investigate whether the elimination of the helmet requirement for those 21 years and older increases the need for and feasibility of personal injury protection

insurance for motorcyclists.

Oregon's motorcycle helmet requirement currently applies to all motorcycle and moped operators and to their passengers. The requirement is a result of legislation referred to voters by the 1987 legislature and passed in the 1988 primary election. Oregon also had a mandatory motorcycle helmet law between 1968 and 1977.

Failure to wear a motorcycle helmet is a Class D traffic infraction. The violation was reduced from a Class C traffic infraction by the 1995 legislature. Twenty-two states currently have either no helmet requirement or they apply the requirements only to persons under 18. There is no longer any federal funding tied to state motorcycle helmet laws.

Governor's Veto Message

(August 8, 1997):

I am returning herewith HB 2454, unsigned and disapproved.

The bill would repeal the motorcycle helmet law for riders 21 years of age and older. While I respect motorcycle riders' desire to choose whether to wear helmets, maintaining the current law is clearly in the best interests of the citizens of Oregon. This is consistent with the public position I have held on this issue for almost 20 years.

I am vetoing this bill, based not only on my experience as an emergency room physician, but also because the research clearly demonstrates that motorcycle helmet laws save lives, prevent injuries, and save public dollars. Helmeted riders have 28-73% lower death rates than unhelmeted riders and helmet usage reduces the incidence of severe head injury by 46-85%. States with helmet laws have death rates 20-40% lower than states without such laws. Helmet usage is 90-98% in states with mandatory laws, and only about 50% in those without. Unhelmeted riders have higher medical care costs than helmeted riders in crashes, and the majority of the costs are paid by the public rather than by the injured motorcyclist. If our helmet law were to be repealed, Oregon Medical Assistance Program estimates an increased expenditure of over \$6 million of public funds per biennium to pay for additional health care costs.

In addition, Oregonians showed strong support for mandatory motorcycle helmets when they overwhelmingly approved the 1988 referendum by a 2 - 1 margin. The measure passed in every county. A recent poll con-

ducted by an independent research firm has shown that the people of this state continue to support the helmet law by a wide margin.

I will continue to oppose repealing the motorcycle helmet law based on my concern for the health of Oregon motorcyclists and my commitment to the judicious use of public funds. As I have stated in the past, the only way I would consider signing such a measure into law would be if those who are advocating freedom of choice for adult riders would also ensure that those exercising such a freedom also accept the full economic responsibility for their actions.

Major Legislation

Not Enacted

Senate Bill 458

Relating to highway speeds.

SB 458 would have increased the rural interstate speed limit from 65 to 75 miles per hour (from 55 to 65 for trucks and buses) and authorized the Department of Transportation to designate speed limits higher or lower than statutory speed limits based on engineering and traffic investigations.

Senate Bill 1022

Relating to fees for records of the Department of Transportation.

SB 1022 would have required the Oregon Department of Transportation (ODOT) to triple the fees charged for Department of Motor Vehicle (DMV) records and established a Roadside Rest Area account for the purpose of paying for maintenance and operation of roadside rest areas.

Senate Bill 1218

Relating to highway speed.

SB 1218 would have repealed rural interstate speed limits and the federal maximum speed limit. Without the speed limits, the basic speed rule would be in effect.

House Bill 3163

Relating to transportation.

HB 3163 would have increased various transportation taxes and modified their distribution. The bill included increases in fuel taxes, vehicle registration fees, driver license fees, truck weight-mile taxes, and aviation and

jet fuel taxes. The truck taxes included discounts for electronic reporting. The version of HB 3163 that passed the House would have also established a fee on telephone bills for households and businesses to be used for special transit services, highway patrol, and intercity and commuter rail. The bill would have established the Operations, Maintenance and Preservation Account and the Transportation Modernization Account in the Highway Fund and allowed the formation of regional advisory committees for selection of modernization projects. The measure also included certain efficiency, program budgeting, design-build contracting, and freight study requirements and would have moved responsibility for driver education from the Department of Education to the Department of Transportation.

House Bill 3748

Relating to transportation.

HB 3748 would have increased various transportation taxes and modified their distribution. The bill included increases in fuel taxes, vehicle registration fees, driver license fees, truck weight-mile taxes and aviation and jet fuel taxes. The truck taxes included discounts for electronic reporting and for trucks traveling over 35,000 miles a year in Oregon. HB 3748 would also have established a Transportation Reinvestment Account consisting of up to \$25 million per year of personal and corporate income tax revenues attributable to additional public transportation projects financed by tax increases, federal grants, or private investments. The new account was to be allocated for senior and disabled transportation, high speed rail, highway patrol, and debt service. The bill would have established the Operations, Maintenance and Preservation Account and the Transportation Modernization Account in the Highway Fund and allowed the formation of regional advisory committees for selection of modernization projects. It also included certain efficiency, program budgeting, design-build contracting, freight study, and independent audit requirements and would have moved responsibility for driver education from the Department of Education to the Department of Transportation.