

# House Bill 3441

Sponsored by Representatives HARTMAN, NERON, LEVY B; Representatives BOWMAN, CHAICHI, GAMBA, HELM, HUDSON, NELSON, NGUYEN H, OWENS, RUIZ, SCHARF, WALTERS, Senator TAYLOR

## 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**.

Provides that unit of government may not assess toll on state highways or interstate highways located in tri-county area unless Department of Transportation conducts and submits equity plan for approval by affected counties.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to tolling; and declaring an emergency.

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

**SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS 383.001 to 383.245.**

**SECTION 2. (1) As used in this section and section 3 of this 2023 Act:**

(a) "Affected county" means each county in which a proposed tollway is located.

(b) "Interstate highway" means every state highway that is part of the National System of Interstate and Defense Highways established pursuant to 23 U.S.C. 103(c).

(c) "State highway" has the meaning given that term in ORS 366.005.

(2) Notwithstanding ORS 383.001 to 383.245, a unit of government may not assess tolls or increase toll rates on a state highway or interstate highway located in Multnomah County, Washington County or Clackamas County unless the Department of Transportation submits an equity plan to the governing body of each affected county for review, and each governing body by a majority vote approves the plan by resolution as provided in section 3 of this 2023 Act.

(3) An equity plan must describe the following:

(a) The proposed tollway and its purpose and need.

(b) The proposed toll rates, schedule of tolls and any proposed toll rate increases.

(c) The socioeconomic and demographic characteristics of the proposed tollway users.

(d) A range of alternatives to assessing tolls, including a "no action" alternative.

(e) Whether the proposed tollway places an undue burden on affected communities. This analysis must include a review on the:

(A) Impacts on low income households and moderate income households.

(B) Impacts on individuals with household incomes that are less than 200 percent of the federal poverty guidelines.

(C) Impacts on older adults.

(D) Cumulative impacts on local communities surrounding the tollways, including increased traffic diversion on local streets and social and economic effects.

(E) Impacts on health.

**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 (f) A plan to address and mitigate any adverse impacts identified under paragraph (e) of  
2 this subsection.

3 (4) The department shall provide notice and the opportunity for meaningful community  
4 engagement on a proposed equity plan before submitting the plan to the governing body of  
5 an affected county for first review. The department shall use the comments received pursu-  
6 ant to this subsection to inform the creation of the plan.

7 (5) Upon approval by resolution of the plan by the governing body of each affected county,  
8 a unit of government is authorized to assess tolls.

9 **SECTION 3.** (1) The governing body of each affected county shall review the equity plan  
10 submitted by the Department of Transportation under section 2 of this 2023 Act for compli-  
11 ance with the requirements imposed under section 2 of this 2023 Act, and if the plan is:

12 (a) In compliance, the governing body of an affected county shall approve the plan by  
13 resolution.

14 (b) Not in compliance, the governing body of an affected county shall reject the equity  
15 plan.

16 (2)(a) If the governing body of an affected county rejects the equity plan under subsection  
17 (1) of this section, the department must submit a revised plan to the governing body no later  
18 than 60 days after the date of the rejection. The governing body of the affected county that  
19 rejected the plan shall either approve or reject the revised plan no later than 90 days after  
20 receiving the revised plan. The governing body of the affected body shall approve, by resolu-  
21 tion, the revised plan if the governing body determines that the revised plan complies with  
22 the requirements of section 2 of this 2023 Act. If the governing body of an affected county  
23 rejects the revised plan, the governing body shall provide in writing the reason for the re-  
24 jection and:

25 (A) Direct changes to the revised plan; or

26 (B) Require the department to submit a second revision no later than 60 days after the  
27 date of the rejection.

28 (b) If the governing body of an affected county directs changes to a revised plan pursuant  
29 to paragraph (a)(A) of this subsection, the department must implement the changes.

30 (3) The governing body of each affected county must make the plan available for public  
31 comment for a period of not less than 30 days before approving or rejecting the plan.

32 (4) A plan approved by the governing body of an affected county under this section is  
33 valid for five years.

34 (5) No less than 180 days before a plan approved under this section expires, the depart-  
35 ment shall submit a plan to be approved under this section for an additional four years. A  
36 plan submitted for approval under this subsection must satisfy the requirements of section  
37 2 of this 2023 Act and describe any substantive changes, including changes in toll rates, from  
38 the previously approved plan. Until a plan submitted under this subsection is approved, the  
39 previously approved plan remains in effect.

40 **SECTION 4.** This 2023 Act being necessary for the immediate preservation of the public  
41 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
42 on its passage.