

House Bill 2696

Sponsored by Representatives THOMPSON, WEIDNER, BENTZ; Representatives FREEMAN, GREENLICK, HUFFMAN, KENNEMER, MATTHEWS, OLSON, SMITH, THATCHER, WHISNANT, WITT, Senator BOQUIST

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**.

Directs Department of Transportation to approve tollway project proposed by private entity if certain conditions are met. Establishes process for applications by private entities for tollway projects.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 **Relating to tollway projects; and declaring an emergency.**

2
3 Whereas traffic congestion from Portland to the Oregon Coast along the Highway 99-W corridor
4 through Newberg and Dundee is a serious and ever increasing problem; and

5 Whereas serious transportation budget shortfalls have prevented the funding of major
6 infrastructure projects; and

7 Whereas traffic gridlocks are having an increasingly negative social and economic impact on the
8 residents of the region and the State of Oregon; and

9 Whereas no affordable solution that would solve the traffic problem has been made available
10 through traditional methods and state channels, with the current Department of Transportation
11 proposal costing close to \$1 billion; and

12 Whereas the methods and models for providing transportation infrastructure, and the delivery
13 systems for that infrastructure, have changed; and

14 **Whereas the State of Oregon has established a methodology by law for public-private partner-**
15 **ships that would solve the Newberg-Dundee traffic problem by delivering a limited access highway,**
16 **or Coastal Parkway, from I-5 to the west end of McMinnville without expenditure of public re-**
17 **sources; and**

18 Whereas the Coastal Parkway would deliver direct access from I-5 to Highway 18, utilizing pri-
19 vate funds for right-of-way acquisition, design, construction and operation; and

20 Whereas the Coastal Parkway would be an optional route paid for with tolls from vehicles that
21 choose to use the tolled route; and

22 **Whereas it is anticipated that the private debt incurred for the project will be paid in approxi-**
23 **mately 30 years, and after that debt is paid from tolls, the Coastal Parkway would be given to the**
24 **State of Oregon; and**

25 Whereas the Coastal Parkway addresses Governor Kitzhaber's six principles, which address the
26 need for creative transitions in transportation and new ways of doing business for Oregonians, with
27 the added benefits and funding from the optional route flowing to the residents of Oregon; and

28 Whereas the Coastal Parkway would provide a unique solution because the project will pay for
29 itself and deliver a long-range transportation solution for the least cost well into the 21st century;

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 now, therefore,

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

3 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 383.003 to**
 4 **383.075.**

5 **SECTION 2. (1) Notwithstanding ORS 383.015 (1), (2) and (4), the Department of Trans-**
 6 **portation shall approve a tollway project proposed by a private entity under ORS 383.003 to**
 7 **383.075 if:**

8 (a) The private entity submits a completed application for the project and pays the fee
 9 required by subsection (4) of this section;

10 (b) The private entity establishes that the entity is financially able to pay all costs of
 11 acquisition, design, construction, operation, maintenance and repair of the project;

12 (c) The private entity has conducted all environmental studies required by law as a con-
 13 dition of construction of the project;

14 (d) **The private entity agrees that ownership of the tollway will be transferred to the**
 15 **State of Oregon after all private debt incurred to finance the project is paid; and**

16 (e) The project meets the requirements of ORS 383.015 (3).

17 (2) Before submitting an application to the department for approval of a tollway project
 18 under this section, the private entity proposing the project must submit to the department
 19 a written notice of intent. The notice must include a preliminary design for the project, a
 20 proposed timeline for the project and all information about the private entity that may be
 21 required by rule of the department. Within 90 days after receiving a notice of intent, the
 22 department shall provide the private entity with a list of all requirements necessary for a
 23 private entity to complete an application for the project.

24 (3) Within 30 days after receiving an application for a tollway project from a private en-
 25 tity that is subject to this section, the department shall review the application and shall give
 26 a written response to the applicant that either certifies that the application is complete or
 27 specifically identifies additional information or documents that are needed by the department
 28 for a completed application.

29 (4) Upon receiving notification from the department that an application is complete and
 30 approved, the applicant must pay a fee of \$40,000 to the department for deposit in the State
 31 Tollway Account. Moneys deposited in the account under this subsection may only be used
 32 to pay expenses of the department as described in ORS 383.009 (2) that are attributable to
 33 the tollway project proposed by the private entity paying the fee.

34 (5) **If a tollway project is approved under this section, the department shall exercise its**
 35 **power of eminent domain for acquisition of all properties necessary for the project that the**
 36 **private entity is unable to purchase.** The private entity must fully reimburse the department
 37 for all compensation paid to property owners by the department for property taken by emi-
 38 nent domain under this subsection. Condemnation of property under this subsection is not
 39 subject to ORS 35.015.

40 (6) If a tollway project is approved under this section, the department shall apply for all
 41 permits, including removal and fill permits, required for the project. The private entity must
 42 fully reimburse the department for all expenses of the department in acquiring the permits.

43 (7) If a tollway project is approved under this section, the project shall be considered a
 44 project of the department for the purposes of land use planning laws, and the department
 45 shall take any action necessary under the land use laws of this state to allow construction

1 of the project. The private entity must fully reimburse the department for all expenses of
2 the department in acquiring approvals under this subsection.

3 **SECTION 3.** This 2013 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
5 on its passage.

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