

# D R A F T

## SUMMARY

Increases required expenditure on footpaths and bicycle trails from one percent to five percent of amounts received from State Highway Fund. Applies to Department of Transportation, counties and cities under certain circumstances.

Updates Oregon Bicycle and Pedestrian Advisory Committee membership and duties.

## A BILL FOR AN ACT

Relating to transportation; amending ORS 366.112 and 366.514.

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

**SECTION 1.** ORS 366.514 is amended to read:

366.514. (1) Out of the funds received by the Department of Transportation or by any county or city from the State Highway Fund reasonable amounts shall be expended as necessary to provide footpaths and bicycle trails, including curb cuts or ramps as part of the project. Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed, **resurfaced** or relocated. Funds received from the State Highway Fund may also be expended to maintain footpaths and trails and to provide footpaths and trails along other highways, roads and streets.

(2) Footpaths and trails are not required to be established under subsection (1) of this section:

(a) Where the establishment of such paths and trails would be contrary to public safety; **or**

(b) If the cost of establishing such paths and trails would [*be excessively*

1 *disproportionate to the need or probable use*] **exceed twenty percent of the**  
2 **cost of the project** [; or]

3 *[(c) Where sparsity of population, other available ways or other factors in-*  
4 *dicatate an absence of any need for such paths and trails].*

5 (3) The amount expended by the department or by a city or county as  
6 required or permitted by this section shall never in any one fiscal year be  
7 less than [one] **five** percent of the total amount of the funds received from  
8 the highway fund. However:

9 (a) This subsection does not apply to a city in any year in which the  
10 [one] **five** percent equals \$250 or less, or to a county in any year in which  
11 the [one] **five** percent equals \$1,500 or less.

12 (b) A city or county in lieu of expending the funds each year may credit  
13 the funds to a financial reserve fund in accordance with ORS 294.346, to be  
14 held for not more than 10 years, and to be expended for the purposes required  
15 or permitted by this section.

16 (c) For purposes of computing amounts expended during a fiscal year un-  
17 der this subsection, the department, a city or county may record the money  
18 as expended **on the date construction of the facility is commenced if the**  
19 **facility is constructed by the city, county or department itself.[.]**

20 *[(A) On the date actual construction of the facility is commenced if the fa-*  
21 *cility is constructed by the city, county or department itself; or]*

22 *[(B) On the date a contract for the construction of the facilities is entered*  
23 *with a private contractor or with any other governmental body.]*

24 (4) For the purposes of this chapter, the establishment of paths, trails and  
25 curb cuts or ramps and the expenditure of funds as authorized by this section  
26 are for highway, road and street purposes.

27 (5) The department shall, when requested, provide technical assistance  
28 and advice to cities and counties in carrying out the purpose of this section.

29 (6) The department shall recommend construction standards for footpaths  
30 and bicycle trails. Curb cuts or ramps shall comply with the requirements  
31 of ORS 447.310 and rules adopted under ORS 447.231.

1 (7) The department shall, in the manner prescribed for marking highways  
2 under ORS 810.200, provide a uniform system of signing footpaths and bicycle  
3 trails which shall apply to paths and trails under the jurisdiction of the de-  
4 partment and cities and counties.

5 (8) The department and cities and counties may restrict the use of  
6 footpaths and bicycle trails under their respective jurisdictions to pedestri-  
7 ans and nonmotorized vehicles, except that motorized wheelchairs, **electric**  
8 **assisted bicycles and motor assisted scooters** shall be allowed to use  
9 footpaths and bicycle trails.

10 (9) **The department shall submit an annual report to the Governor**  
11 **and, in the manner provided in ORS 192.245, to the Joint Committee**  
12 **on Transportation no later than September 15 of each calendar year,**  
13 **reporting on the following:**

14 (a) **Implementation of this section.**

15 (b) **Exemptions requested under subsection (2) of this section.**

16 (c) **Expenditures made under subsection (3) of this section.**

17 (d) **Information necessary to determine if the department is in**  
18 **compliance with the requirements of this section.**

19 [(5)] (10)(a) As used in this section, “bicycle trail” means a publicly  
20 owned and maintained lane or way designated and signed for use as a bicycle  
21 route.

22 (b) **“Bicycle trail” does not include the highway shoulder, as defined**  
23 **in ORS 801.480.**

24 **SECTION 2.** ORS 366.112 is amended to read:

25 366.112. (1) There is created in the Department of Transportation [*an ad-*  
26 *visory committee*] **the Oregon Bicycle and Pedestrian Advisory Commit-**  
27 **tee.** [*to be appointed by the Governor to advise the department regarding the*  
28 *regulation of bicycle traffic and the establishment of bicycle lanes and paths.*  
29 *The committee shall consist of eight members including an employee of a unit*  
30 *of local government employed in land use planning, a representative of a re-*  
31 *cognized environmental group, a person engaged in the business of selling or*

1 *repairing bicycles, a member designated by the Oregon Recreation Trails Ad-*  
2 *visory Council, and at least one member under the age of 21 at the time of*  
3 *appointment. Members of the advisory committee shall be entitled to compen-*  
4 *sation and expenses as provided by ORS 292.495.]* **The committee consists**

5 **of 11 members appointed by the Governor, including the following:**

6 **(a) A member who is an employee of a unit of local government**  
7 **employed in land use planning;**

8 **(b) A member who is a representative of a recognized environ-**  
9 **mental group;**

10 **(c) A member who is a person engaged in the business of selling or**  
11 **repairing bicycles;**

12 **(d) A member who is a member designated by the Oregon Recre-**  
13 **ation Trails Advisory Council; and**

14 **(e) A member who is under the age of 21 at the time of appoint-**  
15 **ment.**

16 (2) The members shall be appointed to serve for terms of four years each.  
17 A vacancy on the committee shall be filled by appointment by the Governor  
18 for the unexpired term.

19 (3) The committee shall meet regularly four times a year, at times and  
20 places fixed by the chairperson of the committee. The committee may meet  
21 at other times upon notice by the chairperson or three members of the com-  
22 mittee. The department shall provide office space and personnel to assist the  
23 committee as requested by the chairperson, within the limits of available  
24 funds. The committee shall adopt rules to govern its proceedings and may  
25 select officers it considers necessary.

26 **(4)(a) The committee shall advise the department:**

27 **(A) Regarding the regulation of bicycle traffic.**

28 **(B) On establishing bicycle lanes and paths.**

29 **(C) On improving the processes and procedures used in implement-**  
30 **ing ORS 366.514.**

31 **(D) On improvements to the department's bicycle infrastructure**

1 **design guidance.**

2 **(E) On improvements to the department's pedestrian infrastructure**  
3 **design guidance.**

4 **(b) The committee shall provide recommendations to the Oregon**  
5 **Transportation Commission on bicycle and pedestrian transportation**  
6 **projects, as provided by ORS 367.093.**

7 **(5) Members of the advisory committee shall be entitled to com-**  
8 **ensation and expenses as provided by ORS 292.495.**

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