

Update to Board of County Commissioners

From: Public & Government Affairs
RE: HB 3055 – Highway Speed Authority
Date: 02-02-2021

Bill: HB 3055 – Highway Speed Authority

Summary	House Bill (HB) 3055, also known as the transportation omnibus “fix it” bill, includes a provision allowing ODOT to delegate its authority to certain local governments to perform speed studies and set speed limits on highways located within those jurisdictions. In order to set speeds, the local governments will be required to follow certain criteria adopted by ODOT. Presently, Multnomah and Lane counties are seeking this authority.
Department Support	<p>DTD: Supports having the ability to perform speed studies and set speed limits based on State law. DTD has the staff budgeted to complete the speed zone investigations (about 12 per year) and can complete them faster than having ODOT do the work.</p> <p>PGA: The omnibus bill is very likely to pass this session and this provision does not appear to be controversial. If Clackamas County is granted this authority, a greater number of county residents can be expected to contact county offices to request speed limit changes, which could influence which roads are examined.</p>
Staff Recommendation	Add Clackamas County to the list of local governments with authority to perform speed studies and set speed limits on highways.
Timeline	This legislation has not yet been scheduled for a work session. It has been assigned to the Joint Committee on Transportation.

1 continued maintenance, repair and reconstruction of the tollway project without the contribution
 2 of additional public funds; or

3 (b) The revenues generated by the tollway project will be at least sufficient to pay its opera-
 4 tional expenses and a portion of the costs of its construction, maintenance, repair and recon-
 5 struction, and the importance of the tollway project to the welfare or economy of the state is great
 6 enough to justify the use of public funding for a portion of its construction, maintenance, repair and
 7 reconstruction.

8 (4) If the department finds that a proposed tollway project qualifies for authorization under this
 9 section, the department may conduct or cause to be conducted any environmental, geological or
 10 other studies required by law as a condition of construction of the tollway project. The costs of
 11 completing the studies for any proposed tollway project may be paid from moneys in the [*State*
 12 *Tollway Account*] **Toll Program Fund** that are reimbursed from the permanent financing for the
 13 project.

14
 15 **HIGHWAY SPEEDS**

16
 17 **SECTION 81.** ORS 810.180 is amended to read:

18 810.180. (1) As used in this section:

19 (a) "Designated speed" means the speed that is designated by a road authority as the maximum
 20 permissible speed for a highway and that may be different from the statutory speed for the highway.

21 (b) "Statutory speed" means the speed that is established as a speed limit under ORS 811.111,
 22 or is established as the speed the exceeding of which is prima facie evidence of violation of the basic
 23 speed rule under ORS 811.105.

24 (2)(a) A designated speed established under this section is a speed limit if the highway for which
 25 the speed is designated is subject to a statutory speed limit under ORS 811.111 that is in addition
 26 to the speed limit established under ORS 811.111 (1)(b).

27 (b) A speed greater than a designated speed established under this section is prima facie evi-
 28 dence of violation of the basic speed rule if the designated speed is established for a highway on
 29 which there is no speed limit other than the limit established under ORS 811.111 (1)(b).

30 (3) The Department of Transportation may establish by rule designated speeds on any specified
 31 section of interstate highway if the department determines that speed limits established under ORS
 32 811.111 (1) are greater or less than is reasonable or safe under the conditions that exist with respect
 33 to that section of the interstate highway. Designated speeds established under this subsection are
 34 subject to all of the following:

35 (a) The department may not establish a designated speed under this subsection of more than:

36 (A) Sixty-five miles per hour for vehicles described in ORS 811.111 (1)(b); and

37 (B) Seventy miles per hour for all other vehicles.

38 (b) If the department establishes designated speeds under this subsection that are greater than
 39 65 miles per hour, the designated speed for vehicles described in ORS 811.111 (1)(b) must be at least
 40 five miles per hour lower than the designated speed for all other vehicles on the specified section
 41 of interstate highway.

42 (c) The department may establish a designated speed under this subsection only if an engineer-
 43 ing and traffic investigation indicates that the statutory speed for the interstate highway is greater
 44 or less than is reasonable or safe under conditions the department finds to exist.

45 (d) A designated speed established under this subsection is effective when appropriate signs

1 giving notice of the designated speed are posted on the section of interstate highway where the
2 designated speed is imposed.

3 (4)(a) The department may establish, pursuant to a process established by rule, a designated
4 speed on a state highway outside of a city. The authority granted under this subsection includes,
5 but is not limited to, the authority to establish different designated speeds for different kinds or
6 classes of vehicles as the department determines reasonable and safe. A designated speed established
7 under this subsection for any kind or class of vehicles may not exceed the speed limit for the high-
8 way for that kind or class of vehicles as established in ORS 811.111 or, if there is no speed limit for
9 the highway other than the limit established in ORS 811.111 (1)(b), may not exceed 55 miles per hour.

10 (b) The department may establish a designated speed under this subsection only if an engineer-
11 ing and traffic investigation indicates that the statutory speed for the highway is greater or less
12 than is reasonable or safe under conditions the department finds to exist.

13 (c) A designated speed established under this subsection is effective when appropriate signs
14 giving notice of the designated speed are posted on the portion of highway where the designated
15 speed is imposed.

16 (5) After a written request is received from a road authority for a highway other than a highway
17 described in subsection (3) or (4) of this section, the department, pursuant to a process established
18 by rule, may establish a designated speed for the highway. The authority granted under this sub-
19 section includes, but is not limited to, the authority to establish different designated speeds for dif-
20 ferent kinds or classes of vehicles as the department determines reasonable and safe. The authority
21 granted under this subsection is subject to all of the following:

22 (a) The written request from the road authority must state a recommended designated speed.

23 (b) The department may establish a designated speed under this subsection only if an engineer-
24 ing and traffic investigation indicates that the statutory speed for the highway is greater or less
25 than is reasonable or safe under conditions the department finds to exist.

26 (c) The department may not make a final decision to establish a designated speed under this
27 subsection without providing the affected road authorities with notice and opportunity for a hearing.

28 (d) A road authority may file a written objection to a designated speed that is proposed by the
29 department under this subsection and that affects the road authority.

30 (e) A designated speed established under this subsection is effective when appropriate signs
31 giving notice of the designated speed are posted on the portion of the highway where the designated
32 speed is imposed. The expense of erecting any sign under this subsection shall be borne by the road
33 authority having jurisdiction over the portion of the highway where the designated speed is imposed.

34 (f) The department, pursuant to a process established by rule, may delegate its authority under
35 this subsection with respect to highways that are low volume or unpaved to a city or county with
36 jurisdiction over the highway. The department shall delegate authority under this paragraph only
37 if it determines that the city or county will exercise the authority according to criteria adopted by
38 the department.

39 **(g) The department, pursuant to a process established by rule, may delegate its authority**
40 **under this subsection to Lane County, Multnomah County or a city with jurisdiction over the**
41 **highway. The department shall delegate authority under this paragraph only if it determines**
42 **that Lane County, Multnomah County or the city will exercise the authority according to**
43 **criteria adopted by the department. When Lane County, Multnomah County or a city estab-**
44 **lishes a designated speed under this paragraph, the county or city shall provide written no-**
45 **tice to the department. The designated speed established under this paragraph is effective**

30 days after the department receives the notice.

(6) The department may override the speed limit established for ocean shores under ORS 811.111 (1)(c) and establish a designated speed of less than 25 miles per hour on any specified section of ocean shore if the department determines that the speed limit established under ORS 811.111 (1)(c) is greater than is reasonable or safe under the conditions that exist with respect to that part of the ocean shore. The authority granted under this subsection is subject to all of the following:

(a) The department may make the determination required under this subsection only on the basis of an investigation.

(b) A designated speed established under this subsection is effective when posted upon appropriate fixed or variable signs on the portion of ocean shore where the designated speed is imposed.

(7) A road authority may adopt a designated speed to regulate the speed of vehicles in parks under the jurisdiction of the road authority. A road authority regulating the speed of vehicles under this subsection shall post and maintain signs at all park entrances to give notice of any designated speed.

(8) A road authority may establish by ordinance or order a temporary designated speed for highways in its jurisdiction that is lower than the statutory speed. A temporary designated speed may be established under this subsection if, in the judgment of the road authority, the temporary designated speed is necessary to protect any portion of the highway from being unduly damaged, or to protect the safety of the public and workers when temporary conditions such as construction or maintenance activities constitute a danger. The following apply to the authority granted under this subsection:

(a) Statutory speeds may be overridden by a temporary designated speed only:

(A) For a specific period of time for all vehicles; or

(B) For a specified period of time for a specific kind or class of vehicle that is causing identified damage to highways.

(b) This subsection may not be used to establish a permanent designated speed.

(c) The authority granted by this subsection may be exercised only if the ordinance or order that imposes the temporary designated speed:

(A) Specifies the hazard, damage or other condition requiring the temporary designated speed; and

(B) Is effective only for a specified time that corresponds to the hazard, damage or other condition specified.

(d) A temporary designated speed imposed under this subsection must be imposed by a proper written ordinance or order. A sign giving notice of the temporary designated speed must be posted at each end of the portion of highway where the temporary designated speed is imposed and at such other places on the highway as may be necessary to inform the public. The temporary designated speed shall be effective when signs giving notice of the temporary designated speed are posted.

(9) A road authority may establish an emergency speed on any highway under the jurisdiction of the road authority that is different from the existing speed on the highway. The authority granted under this subsection is subject to all of the following:

(a) A speed established under this subsection is effective when appropriate signs giving notice thereof are posted upon the highway or portion of highway where the emergency speed is imposed. All signs posted under this subsection must comply with ORS 810.200.

(b) The expense of posting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway or portion of highway where the emergency speed is imposed.

1 (c) A speed established under this subsection may be effective for not more than 120 days.

2 (10) A road authority may establish by ordinance a designated speed for a highway under the
3 jurisdiction of the road authority that is five miles per hour lower than the statutory speed. The
4 following apply to the authority granted under this subsection:

5 (a) The highway is located in a residence district.

6 (b) The statutory speed may be overridden by a designated speed only if:

7 (A) The road authority determines that the highway has an average volume of fewer than 2,000
8 motor vehicles per day, more than 85 percent of which are traveling less than 30 miles per hour;
9 and

10 (B) There is a traffic control device on the highway that indicates the presence of pedestrians
11 or bicyclists.

12 (c) The road authority shall post a sign giving notice of the designated speed at each end of the
13 portion of highway where the designated speed is imposed and at such other places on the highway
14 as may be necessary to inform the public. The designated speed shall be effective when signs giving
15 notice of the designated speed are posted.

16 (11) A city may establish by ordinance a designated speed for a highway under the jurisdiction
17 of the city that is five miles per hour lower than the statutory speed. The following apply to the
18 authority granted under this subsection:

19 (a) The highway is located in a residence district.

20 (b) The highway is not an arterial highway.

21 (c) The city shall post a sign giving notice of the designated speed at each end of the portion
22 of highway where the designated speed is imposed and at such other places on the highway as may
23 be necessary to inform the public. The designated speed shall be effective when signs giving notice
24 of the designated speed are posted.

25 (12) Notwithstanding ORS 801.430, as used in subsection (11) of this section, “residence
26 district” includes territory not comprising a business district that is contiguous to a highway and
27 has access to dwellings provided by alleys.

28
29 **CONFORMING AMENDMENTS GENERALLY**

30
31 **SECTION 82.** ORS 824.990 is amended to read:

32 824.990. (1) In addition to all other penalties provided by law:

33 (a) Every person who violates or who procures, aids or abets in the violation of ORS 824.060
34 (1), 824.084, 824.088, 824.304 (1) or 824.306 (1) or any order, rule or decision of the Department of
35 Transportation shall incur a civil penalty of not more than \$1,000 for every such violation.

36 (b) Every person who violates or who procures, aids or abets in the violation of any order, rule
37 or decision of the department promulgated pursuant to ORS 824.052 (1), 824.056 (1), 824.068, 824.082
38 (1) or 824.208 shall incur a civil penalty of not more than \$1,000 for every such violation.

39 (2) Each such violation shall be a separate offense and in case of a continuing violation every
40 day’s continuance is a separate violation. Every act of commission or omission that procures, aids
41 or abets in the violation is a violation under subsection (1) of this section and subject to the penalty
42 provided in subsection (1) of this section.

43 (3) Civil penalties imposed under subsection (1) of this section shall be imposed in the manner
44 provided in ORS 183.745.

45 (4) The department may reduce any penalty provided for in subsection (1) of this section on such

Update to Board of County Commissioners

From: Public & Government Affairs

RE: HCR 12 – Honoring Specialist Four Larry Dahl

Date: 02-02-2021

Bill: HCR 12 – Honoring Specialist Four Larry Dahl

Summary	House Concurrent Resolution (HCR) 12 is sponsored by Representative Christine Drazan (Canby, Estacada, and Unincorporated Clackamas South of Oregon City). The bill recognizes and honors Medal of Honor recipient Specialist Four Larry Gilbert Dahl for his service to his country.
Department Support	<p>PGA: Supports HCR 12 to continue Clackamas County’s commitment honoring Specialist Four Larry Dahl, the only Medal of Honor Recipient from Clackamas County.</p> <p>Clackamas County rededicated the Larry Dahl memorial in the county’s Circle of Honor on the Red Soils Campus in 2016.</p> <p>Specialist Dahl gave his life protecting his unit and in service to his country during the Vietnam War.</p>
Staff Recommendation	Support HCR 12 Honoring Specialist Four Larry Dahl
Timeline	This legislation has not yet been scheduled for a hearing. It has been assigned to the House Rules Committee.

House Concurrent Resolution 12

Sponsored by Representative DRAZAN; Representatives BONHAM, BOSHART DAVIS, BREESE-IVERSON, LEWIS, NEARMAN, OWENS, POST, RESCHKE, SMITH G, ZIKA (Presession filed.)

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**.

Recognizes and honors Medal of Honor recipient Specialist Four Larry Gilbert Dahl (1949-1971) for his service to his country.

CONCURRENT RESOLUTION

1
2 Whereas Specialist Four Larry Gilbert Dahl was born on June 10, 1949, in Oregon City, Oregon;
3 and

4 Whereas Specialist Four Dahl attended elementary school in Oregon City and high school in
5 Seattle, Washington; and

6 Whereas Specialist Four Dahl enlisted in the United States Army in 1969; and

7 Whereas Specialist Four Dahl began his tour of duty in Vietnam on June 18, 1970, and he was
8 assigned to 1st Logistical Command, 27th Transportation Battalion, 8th Transportation Group, 359th
9 Transportation Company; and

10 Whereas Specialist Four Dahl was assigned to the crew of the gun truck "Brutus"; and

11 Whereas on February 23, 1971, two fuel convoys were headed west on National Route 19 when
12 the lead convoy was ambushed by a large enemy force as it crossed over the top of An Khe Pass;
13 and

14 Whereas Brutus and other vehicles of the second convoy were sent forward to assist in defense
15 of the first convoy and during the ensuing battle an enemy soldier tossed a hand grenade into the
16 gun truck; and

17 Whereas Specialist Four Dahl saw the grenade first, called a warning and without hesitation
18 threw himself directly on the grenade to protect his fellow soldiers; and

19 Whereas Specialist Four Dahl was killed by the explosion, which also wounded two other crew
20 members; and

21 Whereas due to the selfless actions of Specialist Four Dahl, the other crew members of Brutus
22 survived the grenade attack; and

23 Whereas Specialist Four Dahl was posthumously awarded the Medal of Honor, the nation's
24 highest military decoration for valor in combat, for his "conspicuous gallantry, extraordinary
25 heroism, and intrepidity at the cost of his life, above and beyond the call of duty"; and

26 Whereas Specialist Four Dahl was laid to rest in Willamette National Cemetery; and

27 Whereas Specialist Four Dahl's bravery and selfless devotion to his comrades exemplified the
28 spirit and values of the United States Army; now, therefore,

29 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

30 That we, the members of the Eighty-first Legislative Assembly, recognize and honor Medal of
31 Honor recipient Specialist Four Larry Gilbert Dahl for his extraordinary and selfless heroism in

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 service to his country.

2

Update to Board of County Commissioners

From: Public & Government Affairs
RE: Federal Mt Hood Omnibus Bill
Date: 02-02-2021

Bill: Federal Mt Hood Omnibus Bill

Summary	<p>Congressman Blumenauer is working to introduce legislation early this year to support a series of projects on and around Mt Hood related to access, safety, tourism, recreation, and stewardship. These projects are jointly discussed at a regional stakeholder table called the Vision Around the Mountain (VAM).</p> <p>This discussion is to provide a quick overview of the legislation and local efforts, and learn if the BCC would like additional information on any of these topics.</p>
Department Support	<p>The Board has already adopted this item in the federal legislative agenda. Because the Vision Around the Mountain (VAM) and the omnibus bill is so extensive, this section of the memo is designed to reflect the various projects tied to the VAM.</p> <ul style="list-style-type: none">• Improved transit access to Government Camp, around the Mountain.• Traffic safety studies along Hwy 26 near Government Camp & Welches• Vision work for potential gondola in Government Camp/Timberline• Potential relocation of rest area in Government Camp• Wild and Scenic River designations on rivers within Clackamas County• Trail designations and restorations within Clackamas County• Stewardship and management guidance in the Mt Hood National Forest• Wildfire risk assessment and adaptation planning <p>Stakeholders include: Travel Oregon, Mt Hood Territories, Columbia Gorge Commission, Portland General Election, Bonneville Power, Community Planning Organizations around the mountain, US Forest Service, US Bureau of Land Management, Oregon Department of Transportation, Mt Hood Express, ClackCo Transportation, ClackCo Economic Development, Government Camp Transportation District, Ski Areas/Stakeholders, and others.</p>
Staff Recommendation	<p>PGA is seeking feedback on whether any of these projects within the Omnibus package or Vision Around the Mountain require further discussion or project updates with the BCC.</p>
Timeline	<p>The next Vision Around the Mountain meeting is on February 25, 2021.</p> <p>Congressman Blumenauer is expected to introduce this legislation early in 2021.</p>