

APPENDIX A

General Information on Transportation Utility Fees ¹

City	2006 Population	Fee Title	Ordinance & Code #	Passage Date
Ashland	21,430	Transportation Utility Fee	Code 4.26	1989
Bay City	1,195	Street Maint. & Repair Fee	Ord. 602	2003
Clatskanie	1,675	Street Utility Fee	Res. 2001-43	1999
Corvallis	53,900	Transportation Maint. Fee	Code 3.05	2005
Dufur	630	Street Maintenance Fee	Ord. 318	2001
Eagle Point	8,340	Transportation Utility Fee	Ord . 11-78	1999
Grants Pass	30,930	Transportation Utility Fee	Code 8.60	2001
Hubbard	2,960	Transportation Utility Fee	Code 13.45	2001
La Grande	12,540	Street User Fee	Ord. 2708	1985
Lake Oswego	36,350	Street Maintenance Fee	Code Chap. 37	2003
Medford	73,960	Street Utility Fee	Code 4.75	1991
Milwaukie	20,835	Street Maintenance Fee	Code 3.25	2006
North Plains	1,755	Transportation Utility Fee	Code 2.20	2003
Philomath	4,460	Road Maintenance Fee	Code 14.20	2003
Phoenix	4,740	Transportation Utility Fee	Code 13.28	1994
Talent	6,415	Transportation Utility Fee	Ord. 678	2000
Tigard	46,300	Street Maintenance Fee	Code 15.20	2003
Tualatin	25,650	Road Utility Fee	Code 3-4	1990
Wilsonville	16,885	Road Maintenance User Fee	Ord. 484	1997

1. To view the city ordinances, visit www.orcities.org (A-Z Index - "T" for Transportation Utility Fee). Not all ordinances are available online.

APPENDIX B

Transp. Utility Fee Ordinances - Voter Approval & Sunset Clauses ¹

City	Voter Approval	Sunset Clause
Ashland	No	No
Bay City	No	No
Clatskanie	No	No
Corvallis	No	2011
Dufur	No	No
Eagle Point	No	No
Grants Pass	No	No
Hubbard	No	No
La Grande	No	No
Lake Oswego	No	No
Medford	No	No
Milwaukie	No	No
North Plains	No	2008
Philomath	No	No
Phoenix	No	No
Talent	No	No
Tigard	No	No
Tualatin	No	No
Wilsonville	No	No

1. To view city ordinances, visit www.orcities.org (A-Z Index - "T" for Transportation Utility Fee).

APPENDIX C

Transp. Utility Fee Ordinances - Methodology

City	Methodology ¹ (per month)
Ashland	Commercial: \$0.34 - \$2.68/100 sq. ft. - 8 commercial categories; \$2.68/guest room - hotels; \$2.68 per required parking space - all other classifications. Residential: \$7.49 - single family; \$4.97/unit - multi-family.
Bay City	Commercial: \$5 per equivalent dwelling unit. Residential: \$5 flat fee.
Clatskanie	Commercial: \$5/unit; \$2.50/unit - motels. Residential \$2.50 flat fee.
Corvallis	Commercial: \$.021 x trip generation. Residential: \$1.36 flat fee - single-family; \$.94/unit - multi-family.
Dufur	Commercial & Residential: \$5 flat fee per water meter.
Eagle Point	Commercial: \$6 + \$1/1,000 sq. ft. Residential: \$3 per unit flat fee (add \$3 for home occupations).
Grants Pass	Commercial: Trip generation, category of use, building size. Residential: Category of use, number of units.
Hubbard	Commercial: Trip generation. Residential: Flat fee of \$4.50.
La Grande	Commercial & Residential: \$4 flat fee per water meter.
Lake Oswego	Commercial: Calculation based on gross floor area (GFA) and trip generation. Residential: \$3.75/mo. per household.
Medford	Commercial & Residential: Trip generation based on the land usage (home, office, etc.). Fee = Units x Trips x Rate.
Milwaukie	Commercial: \$0.35 per daily trip (according to ITE-based calculation - \$250 maximum). Residential: \$3.35 - single family (minimum rate); \$2.10/unit - multi-family; other residential classifications.
North Plains	Commercial: Based on number of trucks. Residential: \$0.90 flat fee.
Philomath	Commercial: Based on trip generation, gross square footage, and truck traffic. Residential: \$2 flat fee.
Phoenix	Commercial & Residential: Number of units x Chargeable daily trips (based on category) x \$0.22958 (current rate).
Talent	Commercial & Residential: Number of units x Chargeable daily trips (based on ITE land use code categories) x per trip rate (\$0.38). Single family residential charge is \$3.93.
Tigard	Commercial: \$0.78/parking space (5 space minimum; 200 space maximum); \$0.78/fueling point for gas stations. Residential: \$2.18 per unit.
Tualatin	Trip generation and land use categories based on type of use and building size. See ordinance for rates.
Wilsonville	Rates based on 1. type of land use; 2. gross square footage of development ; 3. amount of truck traffic. See ordinance for rates.

1. More methodology information is in city ordinances, some of which are available online at www.orcities.org (A-Z Index - "T" for Transp. Utility Fee).

APPENDIX D

Transp. Utility Fee Ordinances - Use of Revenues Specifically Listed

Please note, an item not specifically listed in the ordinance does not mean it is specifically excluded.

City	Street Projects											
	Operation	Admin.	Maintenance	Repair	Improvement	Reconstruction	Construction	Bicycle/Ped.	Sidewalks	Other		
Ashland	✓	✓	✓ ¹	✓	✓	✓	✓	✓	✓			
Bay City			✓ ¹	✓								
Clatskanie			✓	✓								
Corvallis		✓	✓			✓				Note 2		
Dufur			✓		✓							
Eagle Point	✓	✓	✓									
Grants Pass	✓	✓	✓ ¹									
Hubbard	✓	✓	✓	✓	✓	✓						
La Grande			✓	✓		✓						
Lake Oswego	✓		✓	✓	✓	✓		✓	✓	Note 3		
Medford	✓	✓	✓	✓	✓	✓				Note 4		
Milwaukie			✓	✓		✓				Note 5		
North Plains	✓	✓	✓	✓			✓			Note 6		
Philomath			✓							Note 7		
Phoenix	✓	✓	✓ ¹	✓	✓	✓		✓		Note 8		
Talent	✓		✓ ¹	✓	✓			✓		Note 9		
Tigard	✓	✓	✓	✓		✓				Note 10		
Tualatin	✓	✓	✓	✓	✓	✓				Note 11		
Wilsonville			✓			✓				Note 12		

* Notes are listed on page 27.

APPENDIX D (continued)

Transp. Utility Fee Ordinances - Use of Revenues Specifically Listed

Notes:

1. "Maintenance" includes patching, crack-sealing, coating, overlays.
2. Corvallis: Up to \$20,000 may be used for administration. Of the remaining revenue, 37.5% is used for arterial and collector street overlays, and 62.5% for improvements to Western and Walnut Boulevards.
3. Lake Oswego: "Street System" also includes curbs, paths, bridges. Revenue may also fund engineering work.
4. Medford: No more than 5% can be transferred for general city purposes for equitable share of the cost of accounting, management, and government.
5. Milwaukie: Revenue is used for the city's Street Surface Maintenance Program, which covers maintenance and preservation work.
6. North Plains: May also fund planning and design work for transportation projects.
7. Philomath: All revenues collected are used to contract for overlays of existing improved street sections. Revenue is distributed 75% for residential streets; 25% for non-residential (same as fee revenue collection).
8. Phoenix: Revenue may be used for sidewalks, street sweeping, curbs and gutters, striping, signals, signs, street trees, illumination. In 2006, the council dedicated 21 percent of transportation utility fee revenues for a new "Highway 99 Maintenance Fee."
9. Talent: Revenue may be used for sidewalks, street sweeping, curbs and gutters, striping, signals, signs, street trees, illumination, and transit facilities.
10. Tigard: Engineering design, construction management, project advertisements are all considered "street maintenance." Projects using street maintenance fee revenue are confined to maintenance, repair and reconstruction of existing streets - no new construction.
11. Tualatin: Revenue is distributed 1/7 to street lighting, 6/7 to street maintenance. Street trees, sidewalks, and landscape enhancements are covered under an additional utility fee.
12. Wilsonville: Revenue is distributed 50% to residential and 50% to non-residential (same as fee revenue collection).

APPENDIX E

Transp. Utility Fee Ordinances - Administrative Officer

City	Administrative Officer
Grants Pass	City Manager
Medford	Public Works Director
Milwaukie	Engineering (primary); Comm. Dev. Dir.; Pub. Works; Finance (Directors)
Talent	City Manager
Tigard	City Engineer (primary); Finance Director.
Tualatin	City Engineer (primary); Finance Director; Operations Director
Wilsonville	Public Works Director; Finance Director; Community Dev. Director

Note: Ashland, Bay City, Clatskanie, Corvallis, Dufur, Eagle Point, Hubbard, La Grande, Lake Oswego, North Plains, Philomath, and Phoenix did not designate an "administrative officer" in a specific section of the ordinances/resolutions.

APPENDIX F

Transp. Utility Fee Ordinances - Rate Reductions

City	Rate Reductions
Ashland	Low income senior citizens (same as other utilities)
Corvallis	May be available to non-residential properties where the premises have developed and implemented a transp. demand management program that has been approved by the city.
Grants Pass	Petition to adjust rates. If approved - 50% reduction for 12 mos. or until vehicle is registered.
Hubbard	Low income senior citizens (same as other utilities)
La Grande	Low income senior citizens (over 65) - 50% reduction.
Milwaukie	Waived for low income, residential customers. City will reduce rates if county/state/federal funding is adopted.
Phoenix	Low income senior citizens (same as other utilities)
Wilsonville	Home businesses charged as residential users.

Note: Bay City, Clatskanie, Dufur, Eagle Point, Lake Oswego, Medford, North Plains, Philomath, Tigard, and Tualatin did not have specific language regarding rate reductions, however there may be language in the billing rules of other utilities, which would apply to transportation utility fees.

APPENDIX G

Transp. Utility Fee Ordinances - Exemptions and Waivers Specifically Listed ¹

City	Exempt Class by Resolution	City-Owned Property	City-Owned Parking Lots	Other Gov't Property	Publicly-Owned Parklands ²	Railroad Property ³	Farm & Forestry	Tri-Met Parking ⁴	Vacant Property	Undeveloped Property
Ashland ⁵	✓									
Bay City	✓	✓								
Corvallis			✓		✓	✓			✓	✓
Eagle Point										✓
Grants Pass	✓			✓					✓	✓
Hubbard	✓								✓	
Lake Oswego			✓		✓	✓		✓	✓	✓
Medford										✓
Milwaukie			✓		✓	✓			✓	✓
North Plains										✓
Philomath										✓
Phoenix	✓								✓	
Talent	✓								✓	
Tigard					✓	✓	✓		✓	✓
Tualatin			✓		✓	✓	✓	✓	✓	✓
Wilsonville										✓

Note: Clatskanie, Dufur and La Grande had no exemptions or waivers specifically listed in the ordinances/resolutions.

1. Not technically an exemption/waiver, but most cities do not charge this fee to utility customers outside of city limits. Dufur charges the fee to users inside and outside city limits. Grants Pass, Phoenix and Talent charge the fee to customers who have an annexation agreement with the city.
2. Publicly Owned Parklands, Open Spaces, Greenways, unless an area designated for parking.
3. Railroads property, excluding developed property.
4. Tri-Met parking used by mass transit passengers.
5. Ashland exempts churches from the transportation utility fee.

APPENDIX H

Transp. Utility Fee Ordinances - Delinquent Bills

FUND DISTRIBUTION

Most of the cities state that if insufficient funds are collected from a utility bill to cover all of the utility funds (water, sewer, etc.), the amount for the transportation utility fee is paid first to the street fund.

A few cities do not pay the street fund first, however. Corvallis covers any penalty fees, then credits the street fund. Phoenix and Talent proportionally allocate money to each utility fund. Tigard also does a proportionate allocation, but after interest and penalty fees have been paid.

LATE FEES

A few cities did reference late fees in the ordinance. Bay City charges a 5 percent late fee to delinquent bills. La Grande levies a 9 percent interest rate to delinquent bills, and will also collect court costs and attorney fees if a decision is found in favor of the city. Grants Pass sets an interest rate for delinquent bills by resolution.

ENFORCEMENT AND FEE RECOVERY

Several cities have provisions regarding the enforcement of the utility fee ordinance, and recovery of delinquent bills. Recovery procedures include collections and termination of utility service (water/sewer). Several ordinances also state that the city has the authority to use any means available under law to collect delinquent fees.

Grants Pass has an extensive section on the recovery of unpaid fees, and Wilsonville has a thorough enforcement provision.

Under the enforcement provisions, several cities also grant city employees access to premises for inspection, repair or enforcement of the transportation utility fee ordinance. Tualatin and Corvallis have inspection provisions granting the administrative officer the authority to inspect premises, but only in order to determine the property's fee designation.

LANDLORD VS. TENANT

Several cities mention that collection and enforcement procedures are the same as for the other utilities, or the finance department in general. This may mean that regulations regarding landlords and tenants may exist in another document, and would apply to the transportation utility fee.

A few ordinances speak specifically to the issue of responsible parties. The ordinances of Bay City, Milwaukie, North Plains, Talent and Tualatin state that if the "responsible party" (or tenant) does not pay, the property owner is ultimately responsible for the delinquent bill. Bay City, North Plains, and Tualatin specifically mention a lien on property if the owner does not cover a delinquent bill.

APPENDIX I

Transp. Utility Fee Ordinances - Appeal of Fee Determination

All the cities have an appeal procedure regarding transportation utility fee calculations, except Clatskanie, Dufur, and La Grande.

Most of the ordinances have an appeal process including the following steps:

1. A user can petition the council, in writing, for a hearing on a review of a fee determination.
2. Within a certain number of days (30 - 60), the council reviews the findings of fact, and makes a decision.
3. The notice of the decision is given to the user in writing.

Furthermore, many of the ordinances state the council's decision is the final order, and only allow one appeal, unless the classification of the property changes. A few cities charge a fee for an appeal petition, but the fee is refunded if the fee determination is reversed.

In Corvallis and North Plains, the appeal of the city engineer's fee designation goes to the city manager, not the council. The decision of the city manager is final.

Grants Pass' ordinance states that the burden of proof is on the petitioner. It also requires the petitioner to keep paying the fee while the appeal is under review.

In Wilsonville, the appeal is first filed with the Community Development Director, who evaluates the merits of the appeal. The director shall make a decision and file a report within 90 days. The director's decision can be further appealed to the City Council.

Tigard's appeal process is similar to Wilsonville in that the appeal goes first to the Engineer, whose decision can also be appealed to the council. Furthermore, the Tigard City Council can choose to form a subcommittee to review the appeal.

In Phoenix's ordinance, the first step after a fee determination appeal is to have the Public Works director conduct a 24-hour traffic count at the premises. If the petition is still unsatisfied with the fee determination, they can appeal to the city council.

APPENDIX J

Transp. Utility Fee Ordinances - Streets Eligible for TUF Funds

Ordinances from Ashland, Bay City, Eagle Point, Grants Pass, Hubbard, La Grande, Medford, Phoenix and Talent have language establishing which streets would be eligible for projects funded by transportation utility fee revenue.

The City shall maintain all accepted local streets within city-owned land, city rights-of-way, and city easements and maintain other accepted local streets within or adjacent to the city. Such local streets specifically exclude private streets and streets not yet accepted by the city for maintenance. (Section 4.26.040, Ashland Municipal Code)

Grants Pass' ordinance also states that publicly accepted streets within the Urban Growth boundary are eligible for project funding through TUF revenue. The ordinance also specifically excludes state highways, along with private streets.

Under the "Benefited Streets" section of La Grande's ordinance, unpaved roads will not be paved using street user fee revenue, unless the council finds it is in the "public interest."

By ordinance, Grants Pass and Medford establish the streets that will benefit from TUF revenue by developing and implementing a maintenance plan.

APPENDIX K

Transp. Utility Fee Ordinances - Streets Lighting

A few of the cities allow transportation utility fee revenue to be used on street lighting.

Talent and Phoenix list "illumination" in the list of eligible transportation facilities.

Tualatin designates 1/7 of the road utility fee revenue for street lighting.

A few cities adopted utility fees specifically and exclusively for street lighting.

Here are the rates: (this is not a comprehensive list)

City	Street Lighting Utility Fee Rate (monthly)
Cascade Locks	\$2.25/meter - residential; \$3.50/meter - high density residential; \$7/meter - commercial and public agencies.
Cornelius	\$2 per utility account
Klamath Falls	\$2 per utility account
Nyssa	\$2.50 per utility account
Toledo	\$5 per water account

APPENDIX L

Transp. Utility Fee Ordinances - Standard Ordinance Provisions

PURPOSE STATEMENT

Many of the ordinances have a "declaration of purpose," which broadly describes the need for the fee, and the approved use of the funds. Each purpose statement is worded differently, but below is a sample from Grants Pass' ordinance:

The City Council hereby finds, determines and declares the necessity of providing for the continued operation, maintenance and upgrading of the city's streets and other transportation-related facilities as a Comprehensive Transportation Utility. There is hereby created a Transportation Utility Fund (the Fund) for the purpose of undertaking such activities as are necessary in order that streets and other transportation-related facilities may be properly operated, maintained and upgraded; and that the health, safety and welfare of the City and its inhabitants and visitors may be safeguarded. (Section 8.60.040; Grants Pass City Code)

USE OF FUNDS LANGUAGE

As stated in Appendix D, there are specific uses designated for transportation utility fee revenue. Several cities have other language in ordinances regarding the use of revenues:

It shall not be necessary that the operations, administration and maintenance expenditures from the street fund specifically relate to any particular property from which the fees for said purposes were collected. (Section 13.45.030, Hubbard City Code)

The fees paid and collected by virtue of this ordinance shall not be used for general or other governmental proprietary purposes of the city..... (Section 4.757, Medford City Code)

ORDINANCE REVISION AND REVIEW

Most of the ordinances state that the transportation utility fee ordinances can be revised by the council from time to time by resolution or ordinance.

Philomath's ordinance (passed in 2003) stated that the city could not raise the rate until June 2005. During the second year of the program, and every year thereafter, the public works committee reviews the road maintenance billing rates.

Grants Pass' ordinance requires the council to review the TUF rates every 5 years.

Wilsonville could not raise the TUF rates for the first 3 years. There is to be a review the 4th year of every 5-year maintenance cycle.

A review of Tigard's ordinance (passed in 2003) was required 3 years after its passage, and rates were reestablished based on an annual average cost of the 5 year maintenance plan. The ordinance also stated that the city would take into account additional revenues received if additional state funding became available.

La Grande's ordinance declared that a public hearing was required to make changes to the street user fee. The city is required to give 10 days notice of the hearing.

Phoenix transportation utility fee rates automatically increases annually according to the CPI.

APPENDIX M

Transp. Utility Fee Ordinances - Other Provisions

NEW DEVELOPMENT

Some ordinances specify the timeline for which new development must start paying the street utility fee. For Corvallis, Grants Pass, Medford and Tigard, that is the moment with which the developed property is hooked up to the water/sewer utility. In Phoenix, the developed property must start paying upon completion, or occupancy - whichever comes first. In Talent, the property starts being assessed the transportation utility fee after the water meter is installed.

CHANGE IN CLASSIFICATION

Under Corvallis' ordinance, if the use of a property changes so that the fee increases or decreases, the responsible party is required to notify the city within 30 days. If the responsible party fails to notify the city, and the change would result in a lower fee, no refund is given. If the change would result in a higher fee, the city calculates the amount owed to the city.

NOT A PROPERTY TAX

Bay City, Grants Pass, Philomath, Phoenix, Talent and Wilsonville all state in the transportation utility fee ordinances that this fee is not a property tax, and are not subject to the property tax limitation under Article XI, Section 11(b) of the Oregon Constitution.

In section 8.60.020 of Grants Pass' city code, the city even stipulates an argument as to why the fee is not a tax.

COLLECT NO MORE THAN NEEDED

Talent and Phoenix specifically state in their ordinances that "transportation utility fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the city council....." (Talent Ordinance #678, Section 3)

MIXED USES

Some cities address the issue of fee designation for mixed use properties. Tualatin has a specific provision stating that, except under certain circumstances, "no road utility bill will be apportioned among mixed uses or related property or combinations of mixed uses and related properties." (Tualatin Municipal Code 3-4-140)

APPENDIX N

Transp. Utility Fee Ordinances - TUF Revenue vs. Highway Fund

City	2006-07 Revenue	
	Transp. Utility Fee	State Highway Fund
Ashland	\$970,123	\$989,809
Bay City	\$49,000	\$55,335
Clatskanie	\$28,000	\$78,059
Corvallis	\$408,000	\$2,505,620
Dufur	Not Available	\$29,003
Eagle Point	\$125,000	\$371,787
Grants Pass	\$738,000	\$1,360,688
Hubbard	#	\$135,996
La Grande	\$200,000	\$587,232
Lake Oswego	\$1,136,000	\$1,695,937
Medford	\$4,807,000	\$3,403,847
Milwaukie	N/A ¹	\$971,128
North Plains	\$20,500	\$81,011
Philomath	\$51,000	\$207,504
Phoenix	\$69,000	\$219,982
Talent	\$91,000	\$296,486
Tigard	\$1,165,000	\$2,149,401
Tualatin	\$600,000	\$1,196,614
Wilsonville	\$583,000	\$781,333

1. Collections began July 1, 2007. Milwaukie estimates \$575,000 for FY 2007-08.