

EXHIBIT A - ACT

AN ACT

A Measure, amending the City of Portland Code, Title 17 by ordinance, by adding Chapter 17.105, included as Exhibit A.1 to provide for the creation of a program dedicated to street repair and traffic safety through a temporary, ten-cents per gallon tax on motor vehicle fuels in Portland for vehicles not subject to weight-mile tax.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORTLAND, OREGON

The City of Portland ordains:

- Section 1: Title 17 is hereby amended by the changes attached as Exhibit A.1
- Section 2: If any part of this ordinance or any tax against any individual is found unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity will affect only that part of this Section or tax and will not affect or impair any other provision of the tax or Section.
- Section 3: This ordinance and the Code amendments attached as Exhibit A.1 shall be in full force and effect upon enactment by City of Portland voters at the election called for May 17th, 2016.

Exhibit A.1 – City of Portland Code Chapter 17.105

Portland City Code Title 17 Public Improvements

Chapter 17.105 Motor Vehicle Fuel Tax

- 17.105.010 Tax Imposed
- 17.105.015 Temporary Tax of Four Years
- 17.105.020 Use of Tax Revenues
- 17.105.025 Definitions
- 17.105.030 License Requirements
- 17.105.035 License Applications and Issuance
- 17.105.040 Failure to Secure License
- 17.105.045 Amount and Payment of Tax
- 17.105.050 Revocation of License
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- 17.105.060 Remedies Cumulative
- 17.105.065 Billing Purchasers
- 17.105.070 Failure to Provide Invoice or Delivery Tag
- 17.105.075 Transporting Motor Vehicle Fuel in Bulk
- 17.105.080 Exemption of Weight Receipt Holders
- 17.105.085 Exemption of Export Fuel
- 17.105.090 Exemption of Motor Vehicle Fuel Sold or Distributed to Dealers
- 17.105.095 Payment of Tax and Delinquency
- 17.105.100 Monthly Statement of Dealer or Seller
- 17.105.105 Failure to File Monthly Statement
- 17.105.106 Refunds
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- 17.105.115 Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax
- 17.105.120 Examining Books and Accounts of Carriers of Motor Vehicle Fuel
- 17.105.125 Records to be Kept by Dealer and Seller
- 17.105.130 Records to be Kept Three Years
- 17.105.135 Citizen Oversight Committee; Annual Audits
- 17.105.140 Tax Effective If Passed
- 17.105.145 Administrative Rules

17.105.010 Tax Imposed.

A Motor Vehicle Fuel Tax is hereby imposed on every Dealer or Seller. The tax imposed shall be paid monthly to the City. The Tax Administrator is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection and administration of the Motor Vehicle Fuel Tax, including all powers specified in ORS 319.010 to 319.430, and ORS 310.510 to 310.990.

17.105.015 Temporary Tax of Four Years.

This Chapter will be in full force and effect upon enactment. The Motor Vehicle Fuel Tax

established in Section 17.105.045 shall be imposed beginning on the tax implementation date established by the Tax Administrator and shall sunset four years after the tax implementation date. The tax implementation date shall not be earlier than September 1, 2016. The Tax Administrator is authorized to collect amounts receivable under this Chapter for taxes and penalties accrued prior to the termination of the Motor Vehicle Fuel Tax.

17.105.020 Use of Tax Revenues.

- A. For the purpose of this Section, Motor Vehicles Fuel Tax net revenues means the revenue from the tax and penalties imposed by this Chapter remaining after interest, collection, administrative, other costs, refunds, and credits are deducted from Motor Vehicle Fuel Tax revenues.
- B. The City shall use Motor Vehicles Fuel Tax net revenues only for construction, reconstruction, improvement, repair, maintenance, operation and use of public Highways, roads and streets as described in the Oregon Constitution, Article IX, Section 3a.
- C. The type of projects to be completed will be those approved and undertaken out of the Street Repair and Traffic Safety Program, and will include but not be limited to projects in the following categories:
 - 1. Street Repair
 - 2. Safe Routes to Schools
 - 3. Sidewalk Completion
 - 4. High Crash Corridor Safety Improvements
 - 5. Reducing Bicycle/Car conflicts
 - 6. Intersection Safety Improvements

17.105.025 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and phrases shall mean:

- A. **City** means the City of Portland.
- B. **Dealer** means any Person who:
 - 1. Imports or causes to be imported Motor Vehicle Fuel for sale, use or Distribution in the city, but Dealer does not include any Person who imports into the city Motor Vehicle Fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a Dealer hereunder if that Dealer assumes liability for the payment of the applicable Motor Vehicle Fuel Tax to the City and Dealer does not include terminal storage facilities; or
 - 2. Produces, refines, manufactures or compounds Motor Vehicle Fuel in the city for use, Distribution or sale in the city; or
 - 3. Acquires in the city for sale, use or Distribution in the city Motor Vehicle Fuel with respect to which there has been no Motor Vehicle Fuel Tax previously incurred.
- C. **Distribution.** In addition to its ordinary meaning, the delivery of Motor Vehicle Fuel by a Dealer or Seller to any Service Station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which Motor Vehicle Fuel is withdrawn directly for sale or for delivery into the fuel tanks of Motor Vehicles whether or not the

Service Station, tank or storage facility is owned, operated or controlled by the Dealer or Seller.

- D. **Highway** means every way, thoroughfare and place of whatever nature, open for use of the public for the purpose of vehicular travel.
- E. **Motor Vehicle** means all vehicles, engines or machines, movable or immovable, operated or propelled by the use of Motor Vehicle Fuel.
- F. **Motor Vehicle Fuel** includes gasoline, diesel, mogas, methanol and any other flammable or combustible gas or liquid, by whatever name such gasoline, diesel, mogas, methanol, gas or liquid is known or sold, usable as fuel for the operation of Motor Vehicles, except gas, diesel, mogas, methanol or liquid, the chief use of which, as determined by the Tax Administrator, is for purposes other than the propulsion of Motor Vehicles upon the Highways.
- G. **Person** means any natural Person, association, firm, partnership, corporation, joint venture or other business entity.
- H. **Seller means**
 - 1. A person that sells Motor Vehicle Fuel to a user of vehicles; or
 - 2. If the Motor Vehicle Fuel is dispensed at a non-retail facility, the person that owns the users accounts and bills the users for Motor Vehicle Fuel purchased at a non-retail facility.
- I. **Service Station** means any place operated for the purpose of retailing and delivering Motor Vehicle Fuel into the fuel tanks of Motor Vehicles.
- J. **Street Repair and Traffic Safety Program** means the City of Portland program in the Transportation Operating Fund where Motor Vehicle Fuel Tax net revenue pursuant to this chapter is deposited and street repair and traffic safety expenditures are recorded.
- K. **Terminal Storage Facility** means any fuel storage facility that has marine or pipeline access.
- L. **Tax Administrator** means the City Council, the City Council's designees, or any Person or entity with whom the City Council contracts to implement the Motor Vehicle Fuel Tax program or a portion thereof.
- M. **Weight Receipt** means a receipt issued by the Oregon Department of Transportation, stating the combined weight of each self-propelled or motor-driven vehicle.

17.105.030 License Requirements.

No Dealer or Seller shall sell, use, or distribute any Motor Vehicle Fuel until he/she has secured a Dealer's or Seller's license as required herein.

17.105.035 License Applications and Issuance.

- A. Every Person, who is a Dealer or Seller of Motor Vehicle Fuel in the City of Portland, shall make application to the Tax Administrator for a license authorizing such Person to engage in business as a Dealer or Seller in the City of Portland.
- B. Applications for the license shall be made on forms prescribed by the Tax Administrator.
- C. Applications shall include, among other items as may be required by the Tax Administrator:
 - 1. The business name under which the applicant transacts business.

2. The address of applicant's principal place of business and location of distributing stations in and within three miles of the city.
 3. The name and address of the managing agent, the names and addresses of the several Persons constituting the firm or partnership or, if a corporation, the name under which the corporation is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.
- D. If an application for a Motor Vehicle Fuel Dealer's license or Seller's license is complete and accepted for filing, the Tax Administrator shall issue to the Dealer or Seller a license in such form as the Tax Administrator may prescribe to transact business in the city. A license issued hereunder is not assignable, and is valid only for the Dealer or Seller in whose name it is issued.
- E. The Tax Administrator shall retain all completed applications together with a record of all licensed Dealers and Sellers.

17.105.040 Failure to Secure License.

- A. If a Dealer or Seller sells, distributes, or uses any Motor Vehicle Fuel without first filing the application and obtaining the license required by Section 17.105.035, the Motor Vehicle Fuel Tax on all Motor Vehicle Fuel sold, distributed or used by that Dealer or Seller shall be immediately due and payable.
- B. The Tax Administrator shall determine, from as many available sources as the Tax Administrator determines reasonable, the amount of tax due, shall assess the Dealer or Seller for the tax due together with a penalty of 100 percent of the tax. In any suit or proceeding to collect the tax or penalty or both, the assessment shall be prima facie evidence that the Dealer or Seller therein named is indebted to the City in the amount of the tax and penalty stated.
- C. Any tax or penalty assessed pursuant to this Section may be collected in the manner prescribed in Section 17.105.095 with reference to delinquency in payment of the fee or by an action at law.
- D. In the event any suit or action is instituted to enforce this Section, if the City is the prevailing party, the City shall be entitled to recover from the Person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

17.105.045 Amount and Payment of Tax.

In addition to any fees or taxes otherwise provided for by law, every Dealer or Seller engaging in the city in the sale, use or Distribution of Motor Vehicle Fuel shall:

- A. Not later than the 25th day of each calendar month, submit a report to the Tax Administrator on forms prescribed by the Tax Administrator of all Motor Vehicle Fuel sold, used or distributed by him/her in the city as well as all such fuel sold, used or distributed in the city by a purchaser thereof upon which sale, use or Distribution the Dealer or Seller has assumed liability for the applicable Motor Vehicle Fuel Tax during

the preceding calendar month.

- B. Pay a Motor Vehicle Fuel Tax computed on the basis of ten cents per gallon of such Motor Vehicle Fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this Code or Administrative Rules promulgated in accordance with this Chapter.

17.105.050 Revocation of License.

- A. The Tax Administrator may revoke the license of any Dealer or Seller who fails to comply with any provision of this Chapter. The Tax Administrator shall mail, by certified mail addressed to the Dealer or Seller at his/her last known address appearing in the files of the Tax Administrator, a notice of intent to revoke. The notice of revocation shall provide the reason(s) for revocation which include, but are not limited to, failure to register for a license, failure to remit the tax, failure to file required reports or any information as required by the Tax Administrator, or failure to pay any penalty or interest assessments.
- B. A Dealer or Seller has the right to protest a notice of revocation to the Tax Administrator in writing within fourteen (14) days. The Tax Administrator must forward the appeal, including the reasons for the determination, to the Business License Appeals Board within 30 days. The Tax Administrator may prescribe by Administrative Rule procedures for the protest and appeal of license revocations. The license revocation shall become effective when the local protest and appeal process provided in Administrative Rules is completed and a final decision has been issued.

17.105.055 Cancellation of License.

- A. The Tax Administrator may, upon written request of a Dealer or Seller, cancel a license issued to that Dealer or Seller. The Tax Administrator shall, upon approving the Dealer's or Seller's request for cancellation, set a date not later than 30 days after receipt of the written request, after which the license shall no longer be effective.
- B. The Tax Administrator may, after 30 days' notice has been mailed to the last known address of the Dealer or Seller, cancel the license of Dealer or Seller upon finding that the Dealer or Seller is no longer engaged in the business of a Dealer or Seller.

17.105.060 Remedies Cumulative.

Except as otherwise provided in Sections 17.105.095 and 17.105.105, the remedies provided in Sections 17.105.040, 17.105.050, and 17.105.055 are cumulative. No action taken pursuant to those sections shall relieve any Person from the penalty provisions of this Code.

17.105.065 Billing Purchasers.

Dealers in Motor Vehicle Fuel shall render bills to all purchasers of Motor Vehicle Fuel. The bills shall separately state and describe the different products sold or shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the Tax Administrator are maintained.

17.105.070 Failure to Provide Invoice or Delivery Tag.

No Person shall receive and accept Motor Vehicle Fuel from any Dealer, or pay for the same, or sell or offer the Motor Vehicle Fuel for sale, unless the Motor Vehicle Fuel is accompanied by an invoice or delivery tag showing the date upon which Motor Vehicle Fuel was delivered, purchased or sold and the name of the Dealer in Motor Vehicle Fuel.

17.105.075 Transporting Motor Vehicle Fuel in Bulk.

Every Person operating any conveyance for the purpose of hauling, transporting or delivering Motor Vehicle Fuel in bulk shall, before entering upon the public Highways of the city with such conveyance, have and possess during the entire time of the hauling or transporting of such Motor Vehicle Fuel, an invoice, bill of sale or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee, if any, of the same. The Person hauling such Motor Vehicle Fuel shall, at the request of any officer authorized by law to inquire into or investigate such matters, produce and offer for inspection the invoice, bill of sale or other statement.

17.105.080 Exemption of Weight Receipt Holders.

Motor Vehicle Fuel sold to holders of a Weight Receipt shall not be charged the Motor Vehicle Fuel Tax.

17.105.085 Exemption of Export Fuel.

- A. The Motor Vehicle Fuel Tax imposed by Section 17.105.010 shall not be imposed on Motor Vehicle Fuel:
1. Exported from the city by a Dealer; or
 2. Sold by a Dealer for export by the purchaser to an area or areas outside the city in containers other than the fuel tank of a Motor Vehicle, but every Dealer shall be required to report such exports and sales to the city in such detail as may be required
- B. In support of any exemption from Motor Vehicle Fuel Taxes claimed under this Section other than in the case of stock transfers or deliveries in the Dealer's own equipment, every Dealer must execute and file with the Tax Administrator an export certificate in such form as shall be prescribed, prepared and furnished by the Tax Administrator, containing a statement, made by some Person having actual knowledge of the fact of such exportation, that the Motor Vehicle Fuel has been exported from the city, and giving such details with reference to such shipment as the Tax Administrator may require. The Tax Administrator may demand of any Dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The Tax Administrator may, in a case where the Tax Administrator believes no useful purpose would be served by filing of an export certificate, waive the filing of the certificate. Any Motor Vehicle Fuel carried from the city in the fuel tank of a Motor Vehicle shall not be considered as exported from the city.
- C. No Person shall, through false statement, trick or device, or otherwise, obtain Motor Vehicle Fuel for export as to which the Motor Vehicle Fuel Tax has not been paid

and fail to export the same, or any portion thereof, or cause the Motor Vehicle Fuel or any portion thereof not to be exported, or divert or cause to be diverted the Motor Vehicle Fuel or any portion thereof to be used, distributed or sold in the city and fail to notify the Tax Administrator and the Dealer from whom the Motor Vehicle Fuel was originally purchased of his/her act.

- D. No Dealer, or other Person shall conspire with any Person to withhold from export, or divert from export or to return Motor Vehicle Fuel to the city for sale or use so as to avoid any of the fees imposed herein.
- E. In support of any exemption from taxes on account of sales of Motor Vehicle Fuel for export by the purchaser, the Dealer shall retain in his/her files for at least three years, an export certificate executed by the purchaser in such form and containing such information as is prescribed by the Tax Administrator. This certificate shall be prima facie evidence of the exportation of the Motor Vehicle Fuel to which it applies only if accepted by the Dealer in good faith.

17.105.090 Exemption of Motor Vehicle Fuel Sold or Distributed to Dealers.

- A. Notwithstanding 17.105.095 of this Chapter, if the first sale, use or distribution of motor vehicle fuel is from one licensed Dealer to another licensed Dealer, the selling or distributing Dealer is not required to pay the Motor Vehicle Fuel Tax imposed in this Chapter. When the purchasing or receiving Dealer first sells, uses or distributes the fuel, that Dealer shall pay the Motor Vehicle Fuel Tax regardless of whether the sale, use or distribution is to another licensed Dealer.
- B. A Dealer who renders monthly statements to the Tax Administrator as required by this Chapter shall show separately the number of gallons of Motor Vehicle Fuel sold or delivered to Dealers.

17.105.095 Payment of Tax and Delinquency.

- A. The Motor Vehicle Fuel Tax imposed by this Chapter shall be paid to the Tax Administrator on or before the 25th day of each month.
- B. Except as provided in Subsections 17.105.095C. and E., if payment of the Motor Vehicle Fuel Tax is not paid as required by Subsection 17.105.095A., a penalty of 1 percent of such tax shall be assessed and be immediately due and payable.
- C. Except as provided in Subsection 17.105.095E., if the payment of the tax and penalty, if any, is not made on or before the 1st day of the next month following that month in which payment is due, a further penalty of 10 percent of the tax shall be assessed. Said penalty shall be in addition to the penalty provided for in Subsection 17.105.095B. and shall be immediately due and payable.
- D. If the Motor Vehicle Fuel Tax imposed by this Chapter is not paid as required by Subsection 17.105.095A., interest shall be charged at the rate of .0329 percent per day until the tax, interest and penalties have been paid in full.
- E. Penalties imposed by this Section shall not apply if a penalty has been assessed and paid pursuant to Section 17.105.040. The Tax Administrator may for good cause shown waive any penalties assessed under this Section.
- F. If any Person fails to pay the Motor Vehicle Fuel Tax, interest, or any penalty

provided for by this Section, the Tax Administrator shall commence and prosecute in any court of competent jurisdiction an action at law to collect the amounts due. Such action may be taken on the sole authority of the Tax Administrator.

- G. In the event any suit or action is instituted to collect the Motor Vehicle Fuel Tax, interest, or any penalty provided for by this Section, if the City is the prevailing party, the City shall be entitled to recover from the Person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

17.105.100 Monthly Statement of Dealer or Seller.

Every Dealer or Seller in Motor Vehicle Fuel shall provide to the Tax Administrator on or before the 25th day of each month, on forms prescribed, prepared and furnished by the Tax Administrator, a statement of the number of gallons of Motor Vehicle Fuel sold, distributed or used by the Dealer or Seller during the preceding calendar month. The statement shall be signed by the Dealer or Seller or the Dealer's or Seller's agent.

17.105.105 Failure to File Monthly Statement.

If a Dealer or Seller fails to file any statement required by Section, the Tax Administrator shall determine from as many available sources as the Tax Administrator determines reasonable the amount of Motor Vehicle Fuel sold, distributed or used by such Dealer or Seller for the period unreported, and such determination shall in any proceeding be prima facie evidence of the amount of fuel sold, distributed or used. The Tax Administrator shall assess the Dealer or Seller for the Motor Vehicle Fuel Tax upon the amount determined, adding a penalty of 10 percent of the tax for non-reporting. The penalty shall be cumulative to other penalties provided in this Code.

17.105.106 Refunds.

Refunds on the Motor Vehicle Fuel Tax will be made pursuant to any refund provisions of Chapter 319 of the Oregon Revised Statutes, including but not limited to ORS 319.280, 319.320, and 319.831. Claim forms for refunds may be obtained from the Tax Administrator's office

17.105.110 Examinations and Investigations

The Tax Administrator, or duly authorized agents, may make any examination of accounts, records, stocks, facilities and equipment of Dealers, Sellers, Service Stations and other Persons engaged in storing, selling or distributing Motor Vehicle Fuel or other petroleum product or products within this city, and such other investigations as it considers necessary in carrying out the provisions of this Chapter. If the examinations or investigations disclose that any reports of Dealers, Sellers, or other Persons filed with the Tax Administrator pursuant to the requirements herein, have shown incorrectly the amount of gallonage of Motor Vehicle Fuel distributed or the tax accruing thereon, the Tax Administrator may make such changes in subsequent reports and payments of such Dealers, Sellers, or other Persons, or may make such refund or credit, as may be necessary

to correct the errors disclosed by its examinations or investigation. The Dealer or Seller shall reimburse the City for the reasonable costs of the examination or investigation if the action discloses that the Dealer or Seller paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such an examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of .0329 percent per day from the date the original tax payment was due.

17.105.115 Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.

- A. Except as otherwise provided in this Code, any credit for erroneous overpayment of tax made by a Dealer or Seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a Dealer or Seller must be taken or filed within three years after the date on which the overpayment was made to the City.
- B. Except in the case of a fraudulent report or failure to make a report, every notice of additional tax proposed to be assessed under this Code shall be served on Dealers and Sellers within three years from the date upon which such additional taxes become due or were paid, whichever is later, and shall be subject to penalty as provided in Section 17.105.095.
- C. In the case of the filing of a false or fraudulent report, a failure to file a required report, or willful refusal to remit the tax, an assessment may be made, or a proceeding for the collection of such assessment may be commenced, at any time.

17.105.120 Examining Books and Accounts of Carriers of Motor Vehicle Fuel.

The Tax Administrator or duly authorized agents of the Tax Administrator may at any time during normal business hours examine the books and accounts of any carrier of Motor Vehicle Fuel operating within the city for the purpose of enforcing the provisions of this Code.

17.105.125 Records to be Kept by Dealers and Sellers.

Every Dealer and Seller in Motor Vehicle Fuel shall keep a record in such form as may be prescribed or approved by the Tax Administrator of all purchases, receipts, sales and Distribution of Motor Vehicle Fuel. The records shall include copies of all invoices or bills of all such sales and shall at all times during the business hours of the day be subject to inspection by the Tax Administrator or authorized officers or agents of the Tax Administrator.

17.105.130 Records to be Kept Three Years.

Every Dealer and Seller shall maintain and keep, for a period of three years and six months, all records of Motor Vehicle Fuel used, sold and distributed within the city by such Dealer or Seller, together with stock records, invoices, bills of lading and other pertinent papers as may be required by the Tax Administrator. In the event such records

are not kept within the state of Oregon, the Dealer or Seller shall reimburse the Tax Administrator for all travel, lodging, and related expenses incurred by the Tax Administrator in examining such records. The amount of such expenses shall be assessed in addition to the tax imposed by Section 17.105.010.

17.105.135 Citizen Oversight Committee; Annual Audits.

- A. The City will appoint a citizen oversight committee that is representative of the city's diverse communities to ensure the Motor Vehicle Fuel Tax is being implemented as required, to monitor revenues and review expenditures made, and to report their findings in a public record to the City Council on an annual basis. The committee will be comprised of a minimum of 8 and a maximum of 20 members.
- B. The use of Motor Vehicle Fuel Tax net revenues will be audited annually.

17.105.140 Chapter Effective If Passed.

Chapter 17.105 of this Code does not take effect unless Measure XXX is approved by the people according to elections results for the election held in the city on May 17, 2016.

17.105.145 Administrative Rules

The Tax Administrator has authority to promulgate administrative rules in accordance with this Chapter which shall have the same force and effect as any other provision of Chapter 17.105.

EXHIBIT B – Ballot Title**BALLOT TITLE FOR VOTERS' PAMPHLET****CAPTION (up to 10 words):**

Temporary Motor Vehicle Fuel Tax for Street Repair, Traffic Safety

QUESTION (up to 20 words):

Shall Portland adopt four year, 10 cents per gallon fuel tax dedicated to street repair, safety (including safer crossings, sidewalks)?

BALLOT SUMMARY (up to 175 words):

Measure creates program dedicated to street repair, traffic safety through temporary, ten-cents per gallon tax on motor vehicle fuels in Portland for vehicles not subject to weight-mile tax, estimated to raise \$64 million over four years. Tax implemented no earlier than September 2016, expires in four years. Establishes license requirements.

Project categories with examples in each category:

- Street repair, (\$35.8 million) - Parts of SE Foster, N Denver, NE Alberta
- Safe Routes to School, (\$8.8 million) – Lent Elementary traffic calming, David Douglas HS sidewalks, George Middle School crossings
- Sidewalk completion, (\$6.4 million) – SW Capitol Highway, NE 14th
- High Crash Corridor safety improvements, (\$3.9 million) - lighting on SE Powell, crosswalk improvements on NE Sandy, 82nd Avenue, SW Beaverton/Hillsdale Highway
- Reducing bicycle / car conflicts, (\$5.6 million) – two Neighborhood Greenways in East Portland, safer bicycle routes downtown
- Intersection safety improvements, (\$3.4 million) - focused on improving access to transit: NE MLK, US 30

Citizen oversight committee reviews expenditures, provides annual reports. Audits required.

EXHIBIT C

EXPLANATORY STATEMENT FOR VOTERS' PAMPHLET (up to 500 words)

Measure creates program dedicated to street repair, traffic safety through temporary, ten-cents per gallon tax on motor vehicle fuels in Portland for vehicles not subject to weight-mile tax, estimated to raise \$64 million over four years. Tax implemented no earlier than September 2016, expires in four years. Establishes license requirements.

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- Intersection safety improvements, (\$3.4 million) -- focused on improving access to transit: NE MLK, US 30

For a detailed list of projects, please visit portlandoregon.gov/transportation/betterstreets. If revenue or expenditure amounts differ from projections, the ratio of street repair to safety projects will remain the same (56% street repair to 44% safety projects).

For almost thirty years, Portland's streets have been deteriorating due to inadequate transportation funding. Every year, Portland's street maintenance backlog gets worse. Postponing repairs leads to worsening deterioration making future street repair more expensive. Street investments now save money later. Paving projects are selected using Portland's Pavement Management system and the project list shows examples of the projects that will be completed.

Working with neighborhoods and businesses, the City has developed plans for specific safety projects. These projects are designed to reduce crashes and fatalities, make it easier to cross streets to access transit, and improve safe access to parks and schools. Safety projects will be completed as listed. Any necessary refinements will be approved by a citizen oversight committee.

In their 2015 report, *Portland's Streets: Ending the funding gridlock*, the City Club identifies a local gas tax as a much needed, new funding source for transportation investments. The City Club's committee spent seven months studying options to fund

street maintenance and safety improvements. They concluded that delay is not a responsible option and a local gas tax should be part of the solution.

City General Funds, including property taxes, primarily support the City's Fire, Police and Parks Bureaus. Over the last ten years, transportation has received less than 2.5% of General Funds from the Adopted Budget. Historically, Portland relied on State and Federal fuel taxes for transportation funding, but the purchasing power of these taxes has diminished.

An oversight committee will review use of funds and report annually to City Council to ensure projects funded through this tax are consistent with voter intent.

The City will annually audit the Street Repair and Traffic Safety Program. This audit will be shared with the oversight committee and the public.

Exhibit D – Project List

City of Portland Street Repair and Safety Improvement Program: Proposed Use of Revenue from Temporary Gas Tax

What is the proposal?

Over the last two years, Portlanders have been engaged in a wide-ranging discussion about how best to fix city streets and make it safer for Portlanders who walk, bike, roll and drive to get around. In recent months, support has grown to give voters the opportunity to vote on creating a temporary Street Repair and Safety Program to finance street repair and safety improvements.

The Vision: \$64 million of additional funding dedicated for **targeted investment** in pavement repair, signal modernization, more crosswalks and safety beacons, better and safer access to schools, transit and community services for **Portland's kids, seniors and families**. Spending from the program will be overseen by a **Citizen Oversight Committee** representing the many communities with a stake in Portland's streets and roads.

The Tool: A temporary 10 cent gas tax that **sunset**s after four years. Voters will have the opportunity to vote on creating the Street Maintenance and Safety Program during the **May 2016 election**.

Why a dedicated program?

- Portland's streets are one of our most valuable public assets. They're worth the targeted investment.
- Invest now to save money later. If we fix our streets today, we'll have better, safer roads and we'll save money over the long term.
- We can't count on DC or Salem. A significant increase in federal or state road and safety funding is unlikely. We would need to create our own local source of funding.

What do Portlanders Think?

Portlanders have been very clear: they want better maintained and safer streets.

- *86% of Portlanders support funding for sidewalks and safety features in places where children need them to get to school and seniors need them to get to transit*
- *77% of Portlanders support for long delayed maintenance that will reduce the future cost of road repair*

The attached draft project list includes long-standing transportation safety and maintenance needs. The safety projects are a subset of the list developed with community input in 2014 and 2015.

Paving Projects:

What is it? At 4,834 lane miles and with a value of over \$6 billion, the pavement system is one of PBOT's biggest responsibilities. Depending on the state of the roadway, treatments for pavement maintenance can range from a seal coating on the surface, to grinding up the top layer of the street and repaving it, to repairing the base layer below the street surface, to eventually tearing up and rebuilding the entire road.

How does it make a difference? Catching pavement wear and tear early really pays off. A seal treatment on a street to protect it from weather damage costs about \$10,000 per lane mile, but if that same street is allowed to fall into such a poor state that it needs to be rebuilt, the costs can exceed \$2 million a lane mile.

Criteria for Project and Location Selection on Busy Streets:

- Prioritize earlier stage maintenance that avoids costly rebuilds
- Prioritize busy streets that carry transit and freight.
- Implement targeted improvements to address severe deterioration in spot locations
- Identify opportunities for efficiencies by combining with planned safety projects or other adjacent work.
- Leverage additional funding from System Development Charges or other sources.

Paving Projects*

SE Foster (82nd to 90th)	\$ 3,000,000
N Denver (Lombard to Watts)	\$ 938,000
N Williams (Stanton to Cook)	\$ 620,000
SW 4th Avenue (Lincoln to Burnside)	\$ 3,423,000
SW Capitol Hwy (Multnomah to Texas)	\$ 1,700,000
NE Halsey (92nd to Weidler)	\$ 2,240,000
SW Vermont (Oleson to Capitol)	\$ 3,150,000
SE 136th (Foster to Division)	\$ 4,010,000
SE 50th (Division to Hawthorne)	\$ 1,450,000
SE Naito (Harrison to Jefferson)	\$ 1,600,000
SW Main (1st to 2nd)	\$ 350,000
NE Alberta (15th to 30th): 4 inch paving overlay	\$ 1,720,000
NE 42nd Ave (Brazee to Wistaria Dr) and NE Wistaria Dr (42nd to Cesar Chavez)	\$ 740,000
Basic Road Repair (citywide): Projects prioritized using Pavemenet Management System	\$ 8,600,000
Contingency	\$ 2,299,000
	\$ 35,840,000

*This paving list is based on current Pavement Management System analysis. It is illustrative of the work that is possible. Modifications will be reviewed with the citizen oversight committee.

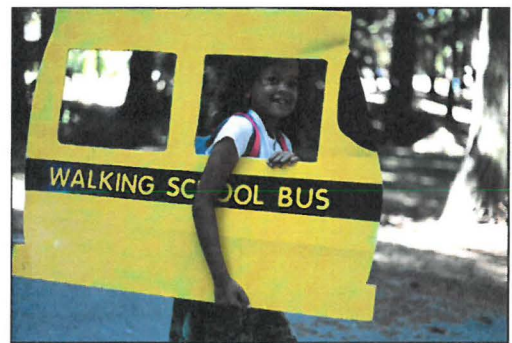
Safe Routes to School Projects:

What is it? Portland Safe Routes to School is a partnership between the City of Portland, schools, neighborhoods, community organizations and agencies that make walking, biking and rolling fun, easy, and safe for all students and families. PBOT's Safe Routes to School Program connects with every elementary, K-8 and middle school in Portland to offer education on safe, active ways of getting to school, and to identify and implement needed safety improvements around schools.

How does it make a difference? Through a comprehensive approach, Portland's Safe Routes to School program has increased the percentage of students walking and biking to school by 35% since it began in 2006. Improvements in this category of funding will include school crossing improvements, paths and missing connections to school grounds, infilling sidewalk gaps on priority residential streets, and tying in our existing network of bike routes to schools.

Criteria for Project and Location Selection:

- Ability to remove long-standing barriers to safe access to schools
- Alignment with available safety data that demonstrate a need for traffic calming and speed reduction improvements is present
- Potential to benefit underserved communities, in alignment with City equity goals and Portland's Safe Routes to School Policy equity criteria
- Availability of community, school and parent support for providing hands-on instruction on safe walking and bicycling to students and schools with the highest needs
- Type of school: first serve K-8, then expand services to include middle schools



Safe Routes to School

Safety projects at schools that feed David Douglas HS - ex. Sidewalk infill 130th and 135th	\$ 1,080,276
Safety projects at schools that feed into Franklin HS - ex. Traffic calming near Lents ES	\$ 899,310
Safety projects at schools that feed into Roosevelt/Jefferson HS - ex. Crossing N Smith/Burr	\$ 785,655
Safety projects at schools that feed into Grant/Jefferson HS - ex. Traffic Calming near Beverly Clearly ES	\$ 755,862
Safety projects at schools that feed into Cleveland HS - ex. crossing improvements Buckman ES	\$ 730,483
Safety projects at schools that feed into Madison/Jefferson HS - ex. Crossing improvement Lee ES	\$ 695,172
Safety projects at schools that feed into Lincoln HS - ex. Shoulder improvements near Forest Park ES	\$ 681,931
Safety projects at schools that feed into Wilson HS - ex. Crossing improvements near Jackson MS	\$ 664,276
Safety projects at schools that feed Parkrose High School - ex. Sidewalk infill near Sacramento ES	\$ 619,034
Safety projects at schools that feed Reynolds schools - ex. Traffic calming near ES	\$ 559,448
Safety projects at schools that feed Centennial HS - ex. Infill sidewalk ES, pathway connection to ES	\$ 529,655
Subtotal	\$ 8,001,103

Sidewalks:

What is it? Sidewalks offer separation from vehicles in traffic lanes and boost safety, mobility, and access to active travel options. They allow people of all abilities to reach businesses, transit, schools, and other daily destinations.

How does it make a difference? Studies indicate that walkways that are separate from travel lanes can help to prevent up to 88% of crashes involving pedestrians walking along roadways.

Criteria for Project and Location Selection:

- Pedestrian crash history
- Connections to public transit
- Alignment with City equity goals
- Proximity to schools, community centers and key services
- Ability to coordinate with PBOT's Transportation System Plan priorities



Sidewalks

SW Capitol Highway - Multnomah Village to West Portland: leverages SDC/BES \$	\$ 3,310,345
Infill sidewalk NE 148th Ave: Halsey – Glisan	\$ 1,710,345
Infill sidewalk SE 112th Ave: Market – Powell	\$ 783,448
Infill sidewalk NE 102nd Ave: Sandy – I-84	\$ 198,621
Infill sidewalk SE Flavel St: 84th – 92nd	\$ 347,586
Subtotal	\$ 6,350,345

High Crash Corridors:

What is it? PBOT has designated 10 of the busiest streets in the City as High Crash Corridors because of the disproportionate number of crashes that occur along these stretches of Portland’s transportation system. City traffic engineers have identified a number of infrastructure improvements to make these streets safer.

How does it make a difference? PBOT uses a number of engineering practices to improve safety in High Crash Corridors. These improvements can significantly reduce fatalities and injuries by reducing speeding, improving visibility, and addressing user errors at high crash locations.

Criteria for Project and Location Selection:

- Identified as a High Crash Corridor based on PBOT High Crash Corridor study
- Pedestrian, bike and vehicle crash history
- Distance to a protected pedestrian crossing
- Proven safety counter-measure to reduce crashes
- Alignment with City equity goals
- Geographic distribution among and along corridors in traditionally underserved areas



the

High Crash Corridors

122nd Avenue Safety Improvements	\$ 2,206,897
NE Sandy Blvd: install pedestrian refuge island and active warnings	\$ 148,966
82nd Avenue: Install larger pedestrian refuge islands, RRFBs, marked crossings	\$ 704,000
SW Beaverton-Hillsdale Hwy: crossing improvements	\$ 145,655
SE Powell Blvd: improve street lighting I-205 to the City limits	\$ 345,379
ODOT Partnership: match safety grants	\$ 389,517
Subtotal	\$ 3,940,414

Crossing Improvements:

What is it? Crossing improvements are a vital component of addressing road safety because intersections are where a variety of modal users cross paths, with the potential for crashes. PBOT evaluates intersections to decide which proven engineering measures can improve street crossings to make them safer for all road users.

How does it make a difference? Pedestrian islands, which provide a safe stopping place for pedestrians in the center of a marked crosswalk, have been shown to reduce pedestrian crashes by 46% and motor vehicle crashes by 39%.

Criteria for Project and Location Selection:

- Pedestrian crash history
- Existing distance to a protected crossing
- Ability to boost access to bus and light rail stops
- Alignment with City equity goals
- Proximity to schools, community centers and key services
- Ability to improve access to businesses



Crossing Improvements

NE Glisan & I-205 Ramp Enhancements	\$ 496,552
NE 102nd Avenue corridor treatment	\$ 331,034
Priority Curb Ramps / ADA Transition Plan	\$ 331,034
SW In Motion Crossing priorities	\$ 551,724
SW Naito Parkway Riverfront Access Improvements	\$ 165,517
Street Lighting Infill for Multimodal Safety	\$ 137,931
Safer and More Efficient Rail Crossings (signal to rail coordination)	\$ 441,379
Crossing at NE 122nd/Davis	\$ 137,931
High Crash Corridor - Pedestrian and Bicycle Crossings	\$ 165,517
Safer Access to Bus Shelters	\$ 220,690
NE MLK Jr Blvd: install rapid flash beacons at NE Going, Bryant and Holman	\$ 199,724
NW US 30 Crossing Enhancement (Linton)	\$ 185,379
Subtotal	\$ 3,364,414

Protected Bike Lanes / Routes:

What is it? Protected bike routes provide physical separation between people bicycling and motor vehicle traffic. They can use barriers, on-street parking and grade to create the separation.

How does it make a difference? Protected bike lanes provide safer travel for a wide range of potential users. They improve both the perception and reality of safety. A national study that observed 12,900 people bicycling on protected bikeways found only 5 minor incidents, none of which resulted in a crash. Such bikeways have been found to increase levels of bicycle use.

Criteria for Project and Location Selection:

- Identified as key route in Portland Bicycle Plan for 2030
- Ability to address a significant barrier or connectivity gap
- Ability to increase ridership for all
- Alignment with City equity goals
- Level of priority for neighborhood and other community stakeholders
- Ability to leverage other planned projects and funding and build on previous investments



Protected Bike Lanes / Routes

Central City; fill out the protected bike lane network identified in the Multi-Modal project	\$ 2,834,759
Protected bike lanes/routes stemming from SWIM	\$ 185,379
East Portland In Motion Separated Bike Facilities	\$ 185,379
Subtotal	\$ 3,205,517

Neighborhood Greenways:

What is it? Neighborhood Greenways are residential streets that connect schools and parks, while providing access to business and transit. They feature 20 mph speed limits, painted bike markings, traffic calming features, and safer crossings of busy streets.

How does it make a difference? Greenways offer safer routes for pedestrians and cyclists on calmer residential streets to reduce conflict on busier streets. Despite making up over 60% of Portland's streets, residential streets see about 9% of the city's crashes. The network creates livable neighborhoods which allow all people to walk, bike and play.

Criteria for Project and Location Selection:

- Identified in the 2030 Bike Plan Map, Implementation Criteria and East Portland in Motion Plan
- Need for presence of low-stress transportation route in neighborhood
- Potential to provide a high safety benefit by providing increased modal separation
- Ability to support citywide Portland Plan goals, including **Healthy Connected Communities**



Neighborhood Greenways**

4M (SE Mill, Market, Main, Millmain) Greenway	\$ 551,724
NE Holladay Oregon & Pacific (HOP) Gateway TC to 132nd	\$ 551,724
NE 7th/9th from Lloyd to Woodlawn Neighborhood	\$ 551,724
Montavilla to Springwater Connector	\$ 551,724
SW/NW 20th Avenue from Raleigh to Jefferson	\$ 199,724
Subtotal	\$ 2,406,621

** Neighborhood Greenway funding assumes that the City will receive external grant funding for a portion of these projects.

Alternative Street Design:

What is it? Neighborhoods and businesses across the city have identified local safety priorities that can be addressed by simple fixes and alternative design measures that offer improvements when funds are lacking for more extensive upgrades.

How does it make a difference? Creating safer shoulders by widening and paving the shoulder in places where sidewalks cannot be provided has been shown to reduce pedestrian crashes by 71%.



Safer Shoulders / Ditch Maintenance

BES Partnership - Safer Shoulders (Includes funding SW Stephenson)	\$	891,586
Subtotal	\$	891,586

Proposed Oversight Committee for Street Repair and Traffic Safety Program

Number of Members

16

Term

4 years

Meeting Frequency

Quarterly

Membership Requirements

- Business Rep: 1 – 50 employees
- Business Rep: 51+ employees
- Resident: SW/NW Portland
- Resident: N Portland
- Resident: Central Portland
- Resident: Inner East Portland
- Resident: Outer East Portland
- Modal Rep: Pedestrian
- Modal Rep: Transit
- Modal Rep: Disabled
- Modal Rep: Bicyclist
- Modal Rep: Motor Vehicle
- Modal Rep: Freight
- Two experts: transportation: focus on construction and/or paving
- Non-profit Rep: focus on low-income/equity

Role of Oversight Committee

- Provide guidance to City Council on the effective use of new resources
- Monitor revenues, expenditures, and program/project implementation
- Annually review program priorities, spending, and any necessary revisions to project lists/financial plans, including the annual program audit. May make recommendations to City Council for project list revisions
- Monitor constructions impacts to businesses and neighborhoods
- Monitor utilization of minority-owned, women-owned, and emerging small businesses to support community benefits
- Provide an annual report to City Council containing the above information

Staffing for the Committee

- PBOT staff

Appointments to the Committee

Committee appointments will be made by the Commissioner-in-Charge of Transportation in collaboration with City Council. Each Commissioner will select at least one member of the Committee. Commissioners with the following Bureau/Liaison responsibilities will choose the following Oversight Committee Members:

Bureau/Liaison: Neighborhoods
Committee Member: Outer East Portland

Bureau/Liaison: Office of Equity & Human Rights
Committee Member: Non-profit focus on low-income/equity

Bureau/Liaison: Venture Portland
Committee Member: Business Rep: 1 – 50 employees

Bureau/Liaison: Bureau of Development Services
Committee Member: one transportation expert with a focus on construction and/or paving

If Bureau assignments change so that each Commissioner no longer selects one committee member, the assignments will be adjusted to re-balance and ensure all Commissioners select one committee member.