



Siskiyou Velo Bicycle Club Position on Oregon Regular Session House Bill 3008 Establishing Registration and Licensing of Bicycles

Siskiyou Velo¹ appreciates the intent of the House Bill 3008² sponsored by Representatives Esquivel, Krieger, Garrard and Schaufler to increase funding for bicycle facilities by creating a Bicycle Transportation Improvement Fund and creating a bicycle registration data base. However Siskiyou Velo is concerned and/or seeks clarification about a number of aspects of House Bill 3008. Siskiyou Velo's concerns are as follows:

1. We believe that registration and licensing fees will discourage Oregonians from using bicycles as an alternative to operating motor vehicles. Oregon planning goals have long sought to reduce the per capita vehicles miles driven using motor vehicles^{3 4}. Charging a \$54 registration and license fee would discourage bicycle use. Use of bicycles should be encourage, not discouraged.
2. The proposed \$54 initial registration fee and \$54 renewal fee every two years places a disproportionate burden on cyclists. Charging bicycles the same \$54 (\$27 per year) registration and license fee charged to passenger vehicles and low speed vehicles, and nearly twice the \$30 (\$15 per year) registration and license fee for motorcycles and mopeds, is not equitable⁵. If one

¹ Siskiyou Velo is the largest bicycling club in Southern Oregon. <http://www.siskiyouvelo.org/>

² Oregon Legislature, 2009 Regular Session.

³ Oregon Administrative Rule 660-12-000(1)(b) **Encourage and support** the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, **bicycling** and transit **in order to avoid principal reliance upon any one mode of transportation**; [Bold emphasis added]

⁴ State of Oregon, Land Conservation and Development Department OAR 660-012-0000 (3):

c) Within metropolitan areas, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in reliance on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division promotes **increased planning for alternative modes** and street connectivity and encourages land use patterns throughout urban areas that make it more convenient for people to walk, **bicycle**, use transit, use automobile travel more efficiently, **and drive less to meet their daily needs**. The result of applying these portions of the division will vary within metropolitan areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes. [Bold emphasis added]

⁵ State of Oregon ORS 803.415 and 803.420 define registration period and fees. ORS 803.420:

were to use seating capacity as a guideline in establishing a schedule of fees, and given that motorcycles (typically capable of transporting two persons) are charged half that of passenger motor vehicles, an equitable fee for a bicycle would be \$15 every two years.

3. The proposed \$54 fee places a disproportionate burden on lower income, transportation disadvantaged road users. The proposed fee is a significant expense in relation to the value and operating cost of a commuter/transportation bicycle. The proposed fee is retrogressive in that the same fee is applied to a \$500 bicycle weighing under 30 pounds and using a 4 to 6 foot bike lane as applied to a \$50,000 motor vehicle weighing 6000 pounds using a 12-foot travel lane.
4. Section 9 needs to be clarified as to individuals owning more than one bicycle⁶.
5. Motor vehicles currently impose “costs” on society that are not paid for by their operators. Examples of such cost are pollution (PM10s, PM2.5s, CO2 emissions, unburned hydrocarbons, noise etc) and the effect on existing neighborhoods when roadway facilities are “improved” by widening projects. A 2001 Portland State University study for ODOT⁷ notes in its executive summary that: *“It is very important to keep in mind that the average driver is paying less than \$150 in state fuel taxes....”*⁸
6. The intent of Section 13 creating “The Bicycle Transportation Improvement Fund” needs to be clarified. Will this Fund be used to supplement improvement projects such as highway or bicycle path improvements initiated solely for the benefit of bicycles or will the Fund be used as

The fees for registration of vehicles are as follows:

- (1) Vehicles not otherwise provided for in this section or ORS 821.320, \$27 for each year of the registration period.
- (2) Mopeds, \$15 for each year of the registration period.
- (3) Motorcycles, \$15 for each year of the registration period.

⁶ Is the proposed \$54 registration (and renewal) fee applied only to the first bicycle owned by each individual with a movable transfer license of \$1 for each additional bicycle? Is the proposed \$54 fee applied to each bicycle owned by an individual?

⁷ Anthony M. Rufolo ET. AL. (Portland State University), Alternatives to the Motor Fuel Tax, Final Report September 2001, Report No. OR-RD-02-06, prepared for Oregon Department of Transportation Research Group (ODOT Contract No. SR 561).

⁸ Oregon’s state gasoline tax is 24 cents per gallon in addition to the federal tax of 18.4 cents per gallon. The model year 1990 Corporate Average Fuel Efficiency Standard (CAFE) for Model Year 1990 and on cars is 27.5 mpg and the light truck standard was 20.7 mpg in 1996 until it was raised to 21.0 mpg for model year 2005, 21.6 mpg for MY 2006 and 22.2 for MY 2007. A car driver driving 15000 miles a year at the CAFE standard of 27.5 mpg would pay \$131 and a light truck driver with a 1996 vehicle (20.7 mpg) would pay \$174 per year in Oregon gas tax. References: <http://www.nhtsa.dot.gov/cars/rules/cafe/overview.htm>
<http://www.oregon.gov/ODOT/CS/FTG/reggasdiscl.shtml>

an alternative to funding currently required by ORS 366.514⁹ (The “bike bill”) such that bicycle improvements are limited to that funded by the Section 13 Fund?

7. While Siskiyou Velo applauds the HB 3008¹⁰ intent to reduce the financial impact on family groups with children (under 18 years of age) by exempting bicycles owned by children, this exemption would be in conflict with the bill’s goals of providing a revenue source for bicycle improvement projects and to register and maintain bicycle ownership information. The youth ownership exemption also raises a question as to whether other citizen groups with reduced incomes such as “senior citizens” or lower income workers should be granted similar dispensations from the proposed fee. Should the issue be one of financial aid to selected groups (e.g. children), should these favored groups be required to register their bicycles at either no cost or a discounted cost such that the benefit of registration is extended to all bicycles?
8. Administrative costs appear to be significant in that the Section 7 of the Bill allows agents to retain up to one-third of the fee. Section 13 of Bill appears to limit use of bicycle registration and licensing fees for the benefit of developing and maintaining bicycle lanes. If the intent is to develop additional funding sources for bicycle lanes, the administrative cost noted above would make this source of funding inefficient and alternative revenue sources should be considered.
9. In addition to the administrative cost of allowing agents to retain part of the fee, the DMV would have to incur cost of developing and maintain the up-to-date data base of license information, mailing renewal notifications etc.
10. Enforcement will require dated licenses. From a practical point of view, DMV administrators will need to design licenses “stickers” that could attach to bicycle frames without impairing or otherwise damaging a bicycle and yet be visible to enforcing authorities. Given that some bicycles are constructed of exotic materials (e.g. gel coated carbon fibers), the license and its attachment/removal should not damage nor impair the bicycle. Bicycle advocacy groups should have input on the license.
11. Enforcement requirements transfer costs to local government. The Bill should also address the enforcement issues when and under what circumstances would an enforcement stop be appropriate for the purpose of verify the registration validity period of the vehicle. Unless

⁹ Use of highway fund for footpaths and bicycle trails. (1) Out of the funds received by the Department of Transportation or by any county or city from the State Highway Fund reasonable amounts shall be expended as necessary to provide footpaths and bicycle trails, including curb cuts or ramps as part of the project. Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated. Funds received from the State Highway Fund may also be expended to maintain footpaths and trails and to provide footpaths and trails along other highways, roads and streets.

¹⁰ HB 3008 Section 14 subsection (2).

registration periods are calendar year periods with licenses color coded, verification of month-year expiration would be complicated by the proposed size limit of the license.

12. The bill does not address operation of bicycles by out-of-state residents in Oregon.
13. Enforcement issues such as an officer's ability to distinguish between out-of-state vehicles, and Oregon returning Armed Service personnel within the grace period will need to be addressed. Should the Bill also retain the youth ownership exemption, officers may have difficulty determine that a licensed bicycle is being operated by a youth owner unless some kind of exemption license is issued. That said, if an exemption license is issued, the DMV will need to establish some process to negate the exemption license when the youth owner reaches the age of 18.
14. Consideration needs to be given to proof of ownership documentation for bicycles purchased prior to enactment of the HB where the legal owner has not retained proof of ownership.

In summary, Siskiyou Velo applauds the concept of increasing funds available for the design, development and construction of new bicycle lanes and facilities provided that HB 3008 revenues are used to enhance and augment funds for bicycle facilities and do not represent a sole source or limit in funds needed for such facilities. Velo also applauds the concept of creating a bicycle ownership data base that could be used in reuniting lost or stolen bicycles with their rightful owners. That said Siskiyou Velo is concerned that HB 3008 as currently drafted:

Is contrary to the state policy and the public's interest in encouraging use of bicycles to as an alternative to motor vehicle travel;

Places an unfair burden on bicyclists and especially on the working poor who rely on bicycles for transportation;

Needs to clarify the newly created "Bicycle Transportation Improvement Fund" to mean that bicycle registration fees collect are intended to increase bicycle facility improvement funding beyond that mandated by the Oregon Bike Bill (ORS 366.514);

Raises questions as to the purpose of the bill to provide added improvement funds when the Bill exempts bicycles owned by children (under 18) and raises a question as to whether other groups (e.g. seniors or low income workers) should be extended the exemption or reduced fee privilege;

Does not recognize that motor vehicles impose societal costs that are imposed on all citizens, including bicyclists;

Includes administrative costs that are disproportionate to the revenue;

Imposes additional work (cost) on the DMV to establish and maintain bicycle registration information;

Imposes enforcement cost on local law enforcement jurisdictions and could add additional burdens on local law enforcement;

Creates enforcement, administrative and implementation issues that will need to be addressed.

In conclusion, Siskiyou Velo does not support passage of HB 3008 as written.

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