

# House Bill 2042

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Transportation for Association of Oregon Counties)

## 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**.

Provides that person's right and privilege to construct, maintain and operate water, gas, electric or communications lines, fixtures or facilities free of charge along public roads does not extend to public roads under jurisdiction of county.

## A BILL FOR AN ACT

1  
2 Relating to authority to construct facilities along public roads; amending ORS 758.010.

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

4 **SECTION 1.** ORS 758.010 is amended to read:

5 758.010. (1) Except within cities **and along public roads that are located outside of cities and**  
6 **that are under the jurisdiction of a county**, *[any]* a person *[or corporation]* has a right and priv-  
7 ilege to construct, maintain and operate *[its]* **the person's** water, gas, electric or communication  
8 service lines, fixtures and other facilities along the public roads in this state, as defined in ORS  
9 368.001, or across rivers or over any lands belonging to the state, free of charge, and over lands of  
10 private individuals, as provided in ORS 772.210. *[Such]* **The** lines, fixtures and facilities *[shall]* **may**  
11 not be constructed so as to obstruct any public road or navigable stream.

12 (2) *[A county governing body and the Department of Transportation have authority to designate the*  
13 *location upon roads under their respective jurisdiction, outside of cities, where lines, fixtures and fa-*  
14 *ilities described in this section may be located, and may order the location of any such line, fixture*  
15 *or facility to be changed when such governing body or department deems it expedient. Any]* **Outside**  
16 **of cities, a county governing body or the Department of Transportation may designate where**  
17 **lines, fixtures and facilities described in this section may be located upon roads under the**  
18 **jurisdiction of the county governing body or of the department. If the county governing body**  
19 **or the department finds that changing the location of a line, fixture or facility is expedient,**  
20 **the county governing body or the department may order a change in the location. A line,**  
21 **fixture or facility erected or remaining in a** *[different]* **location** *[upon such road than]* **different from**  
22 **that designated in** *[any]* **an** order of the governing body or **the** department is a public nuisance and  
23 may be abated accordingly.

24 (3) *[The state officer, agency, board or commission having jurisdiction over any land belonging to*  
25 *the state with respect to which the right and privilege granted under subsection (1) of this section is*  
26 *exercised may impose reasonable requirements for the location, construction, operation and maintenance*  
27 *of the lines, fixtures and facilities on such land.]* **A state officer, agency, board or commission**  
28 **may impose reasonable requirements on a person that in the course of exercising the right**  
29 **and privilege described in subsection (1) of this section locates, constructs, operates or**  
30 **maintains lines, fixtures and facilities on state land under the jurisdiction of the state offi-**

**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 **cer, agency, board or commission.** The person [*or corporation*] exercising [*such*] **the** right and  
2 privilege over [*any*] land belonging to the state shall pay the current market value for [*the*] existing  
3 forest products that are damaged or destroyed in exercising [*such*] **the** right and privilege. [*Such*]  
4 **The** right and privilege [*of any person or corporation*] is conditioned upon compliance with the re-  
5 quirements imposed by this subsection.

6

---