

HOUSE AMENDMENTS TO HOUSE BILL 2235

By COMMITTEE ON TRANSPORTATION

February 26

1 Delete lines 4 through 20 of the printed bill and insert:

2 **“SECTION 1.** ORS 366.365 is amended to read:

3 **“366.365. (1)** The Department of Transportation may go upon private property in the manner
4 provided by ORS 35.220 to determine the advisability or practicability of locating and constructing
5 a highway over the property or the source, suitability or availability of road-building materials
6 thereon.

7 **“(2)** The department may go upon private property to cut down or remove trees located
8 on the property without notifying the property owner if the department has determined that
9 the trees create an immediate and substantial risk of damage or injury by obstructing,
10 hanging over or otherwise encroaching or threatening to encroach in any manner on a state
11 highway.

12 **“(3)** Within a reasonable amount of time after the department cuts down or removes
13 trees in the manner provided by subsection (2) of this section, the department shall locate
14 the property owner and notify the property owner of the department’s actions. The depart-
15 ment may establish the process of notification by rule.”.

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