

House Bill 2235

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Transportation)

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**.

Permits Department of Transportation to go upon private property without notice and cut down or remove trees that are creating substantial risk of damage or injury by obstructing, hanging over or otherwise encroaching or threatening to encroach in any manner on state highway. Directs department to notify property owner after cutting down or removing trees.

A BILL FOR AN ACT

Relating to hazardous trees along state highways; amending ORS 366.365.

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

SECTION 1. ORS 366.365 is amended to read:

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

(2) The department may go upon private property to cut down or remove trees located on the property without notifying the property owner if the department has determined that the trees:

(a) Create a substantial risk of damage or injury by obstructing, hanging over or otherwise encroaching or threatening to encroach in any manner on a state highway; and

(b) Require cutting down or removal without delay.

(3) The department is exempt from civil liability for any reasonable actions performed under subsection (2) of this section, including but not limited to any reasonable trespass or conversion of personal property.

(4) Within a reasonable amount of time after the department cuts down or removes trees in the manner provided by subsection (2) of this section, the department shall locate the property owner and notify the property owner of the department's actions.

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.