

Senate Bill 171

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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**.

Requires person to get permit from Oregon Department of Aviation before constructing object or structure that constitutes physical hazard to air navigation.

A BILL FOR AN ACT

1
2 Relating to physical hazards to air navigation; creating new provisions; and amending ORS 836.530.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 836.**

5 **SECTION 2. (1) A person may not construct an object or structure that constitutes a**
6 **physical hazard to air navigation without first obtaining a permit from the Oregon Depart-**
7 **ment of Aviation.**

8 **(2) The department may charge a reasonable fee for a permit issued under this section.**

9 **SECTION 3. ORS 836.530 is amended to read:**

10 836.530. (1) In addition to any other rulemaking authority, the Director of the Oregon Depart-
11 ment of Aviation may adopt rules:

12 (a) To define physical hazards to air navigation and determine whether specific types or classes
13 of objects or structures constitute hazards. Rules defining physical hazards and determining whether
14 specific types or classes of objects or structures constitute hazards may be adopted only after a
15 fact-finding process and must be supported by substantial evidence.

16 **(b) Governing the process of application for and issuance of permits under section 2 of**
17 **this 2009 Act to construct objects or structures that constitute physical hazards to air nav-**
18 **igation.**

19 *[(b)]* (c) Establishing standards for lighting or marking objects and structures that constitute
20 hazards to air navigation.

21 (2) In accordance with the rules adopted under this section, the director shall do the following:

22 (a) Determine whether specific objects or structures constitute a hazard to air navigation.

23 (b) Determine responsibility for installation and maintenance of lighting or marking specific
24 objects or structures that constitute hazards to air navigation.

25 (c) Issue orders to require that specific objects or structures determined to be hazards to air
26 navigation be marked or lighted in accordance with rules adopted under this section.

27 **(d) Determine the fee for a permit issued under section 2 of this 2009 Act.**

28 (3) Rules and standards adopted under this section are limited to and *[shall]* **may** not be more
29 restrictive than current federal norms, including but not limited to, regulations and circulars, per-
30 taining to objects affecting navigable airspace.

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 (4) Any person or entity required to comply with an order issued under this section may contest
2 the order as provided under ORS chapter 183.
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