

House Bill 2327

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**.

Allows county to charge permit and inspection fees for utility lines in county road right of way, not to exceed costs incurred to county.

A BILL FOR AN ACT

1
2 Relating to utility service lines; 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, any person [*or corporation*] has a right and privilege to con-
6 struct, maintain and operate its water, gas, electric or communication service lines, fixtures and
7 other facilities along the public roads in this state, as defined in ORS 368.001 or across rivers or
8 over any lands belonging to the state, free of charge, and over lands of private individuals, as pro-
9 vided in ORS 772.210. Such lines, fixtures and facilities shall not be constructed so as to obstruct
10 any public road or navigable stream.

11 (2)(a) A county governing body and the Department of Transportation have authority to desig-
12 nate the location upon roads under their respective jurisdiction, outside of cities, where lines, fix-
13 tures and facilities described in this section may be located, and subject to ORS 758.025 may order
14 the location of any such line, fixture or facility to be changed when such governing body or de-
15 partment deems it expedient. Any line, fixture or facility erected or remaining in a different location
16 upon such road than that designated in any order of the governing body or department is a public
17 nuisance and may be abated accordingly.

18 **(b) A county may charge fees for processing permits and conducting inspections for**
19 **construction, maintenance and operation of water, gas, electric or communication service**
20 **lines, fixtures and other facilities within the right of way of county roads at an amount no**
21 **more than the actual or average cost of providing that service.**

22 (3) The state officer, agency, board or commission having jurisdiction over any land belonging
23 to the state with respect to which the right and privilege granted under subsection (1) of this section
24 is exercised may impose reasonable requirements for the location, construction, operation and
25 maintenance of the lines, fixtures and facilities on such land. The person or corporation exercising
26 such right and privilege over any land belonging to the state shall pay the current market value for
27 the existing forest products that are damaged or destroyed in exercising such right and privilege.
28 Such right and privilege of any person or corporation is conditioned upon compliance with the re-
29 quirements imposed by this subsection.

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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.