

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 1

Yeas: Atkinson, Edwards, Girod, Starr, Beyer

Nays: 0

Exc.: Burdick

Prepared By: Patrick Brennan, Administrator

Meeting Dates: 2/2, 2/9

WHAT THE MEASURE DOES: Provides an exemption to the Department of Transportation from the need to obtain a local permit prior to removing trees. Permits the Department to inspect and condemn trees that pose a potential immediate and substantial risk of damage or injury by obstructing, hanging over or otherwise encroaching on or threatening to encroach in any manner on a state highway. Increases the amount of the minimum appraised value of forest products required for the Department of Transportation to place the forest products for sale at public auction.

ISSUES DISCUSSED:

- Dangers associated with trees falling into highway right of way
- Severe storms can effectively cut off Oregon coast from rest of state due to downed trees
- Rights of landowners to benefit economically from sale of downed timber on their property
- Provisions of amendment
- Applicability inside of cities and impact on local ordinances

EFFECT OF COMMITTEE AMENDMENT: Specifies that the State Forester need consult with the Department of Transportation only at the request of the Department. Clarifies that consultation need only occur regarding reforestation in areas within or adjacent to a state highway right of way.

BACKGROUND: Storms often block highways with fallen trees and debris. Trees can also be damaged, weakened or uprooted, causing them to lean over roadways. This can result in potential danger to motorists and a blockage of the roadway if the damaged tree is not trimmed or removed. The Oregon Department of Transportation (ODOT) can trim or remove trees located on the highway right-of-way as needed to mitigate risk or to reopen blocked roads.

Trees that are located outside the right-of-way can also present a similar hazard; however, prior to passage of House Bill 2235 (2009), in cases where the tree was situated on private property, ODOT may not go onto the property to deal with the hazard without first obtaining permission from the landowner. The department was usually granted permission by the landowner to take the necessary action in such cases, but there were times when the landowner could not be reached or identified, leaving the Department no option but to leave the hazardous tree in place.

Senate Bill 1546-A further enhances the authority of the Oregon Department of Transportation to enter onto private property to determine whether a tree may pose an immediate and substantial risk of damage or injury due to obstructing or encroaching on a state highway or threatening to do so. The measure grants authority to consult an arborist for a technical evaluation of the tree in question and to immediately remove the tree as needed. Senate Bill 1546-A also increases from \$15,000 to \$50,000 the threshold for a required auction for forest products sold by the Department and clarifies the requirement for the State Forester to consult with ODOT concerning reforestation at the Department's request and only for areas within or adjacent to a state highway right of way.

2/13/2012 8:56:00 AM

This summary has not been adopted or officially endorsed by action of the committee.