

House Bill 2203

Sponsored by Representative SMITH (at the request of Umatilla Electric Cooperative) (Pre-session filed.)

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**.

Prohibits person from constructing electricity transmission line unless person is public utility or person that has entered into contract with public utility, and construction takes place in public utility's service area.

A BILL FOR AN ACT

1
2 Relating to utility rights of way; 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) **As used in this section:**

6 (a) **"Public body" has the meaning given that term in ORS 174.109.**

7 (b) **"Public road" has the meaning given that term in ORS 368.001.**

8 (c) **"Transmission line" means a linear utility facility by which a utility provider trans-**
9 **mits or transfers the utility product in bulk from a point of origin or generation, or between**
10 **transfer stations, to the point at which the utility product is transferred to distribution lines**
11 **for delivery to the product's consumers.**

12 [(1)] (2) **Except within cities, [any person or corporation has a right and privilege to] and except**
13 **as provided in subsections (3) and (4) of this section, a person may construct, maintain and**
14 **operate [its] the person's water, gas, electric or communication service lines, fixtures and other**
15 **facilities:**

16 (a) **Along the public roads in this state, [as defined in ORS 368.001 or] across rivers belonging**
17 **to the state or over [any] lands belonging to the state, free of charge[,]; and**

18 (b) **Over lands of private individuals, as provided in ORS 772.210. [Such lines, fixtures and fa-**
19 **ilities shall not be constructed so as to obstruct any public road or navigable stream.]**

20 (3) **A person may not construct a line, fixture or other facility in a manner that obstructs**
21 **a public road or a navigable stream.**

22 (4) **A person may not construct a transmission line that transmits electricity on lands**
23 **belonging to the state or a public body unless the person is:**

24 (a) **A people's utility district organized under ORS chapter 261, a municipal utility or-**
25 **ganized under ORS chapter 225 or an electric cooperative organized under ORS chapter 62**
26 **that is constructing the transmission line within the service area of the people's utility dis-**
27 **trict, municipal utility or electric cooperative;**

28 (b) **A public utility, as defined in ORS 757.005, that is constructing the transmission line**
29 **in the public utility's service area; or**

30 (c) **A person that has entered into a contract with a public utility for the purpose of**
31 **constructing the transmission line in the public utility's service area.**

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 [(2)] (5) A county governing body and the Department of Transportation have authority to des-
 2 ignate the location upon roads under their respective jurisdiction, outside of cities, where lines,
 3 fixtures and **other** facilities described in this section may be located, and subject to ORS 758.025
 4 may order the location of any such line, fixture or facility to be changed when [*such*] **the** governing
 5 body or department deems it expedient. Any line, fixture or facility erected or remaining in a dif-
 6 ferent location upon such road than that designated in any order of the governing body or depart-
 7 ment is a public nuisance and may be abated accordingly.

8 [(3)] (6) The state officer, agency, board or commission having jurisdiction over [*any*] land be-
 9 longing to the state with respect to which the [*right and privilege granted*] **authority to construct,**
 10 **maintain and operate a line, fixture or other facility** under subsection [(1)] (2) of this section is
 11 exercised may impose reasonable requirements for the location, construction, operation and main-
 12 tenance of the [*lines, fixtures and facilities on such land. The person or corporation exercising such*
 13 *right and privilege over any land belonging to the state shall pay the current market value for the ex-*
 14 *isting forest products that are damaged or destroyed in exercising such right and privilege. Such right*
 15 *and privilege of any person or corporation is conditioned upon compliance with the requirements im-*
 16 *posed by this subsection.*] **line, fixture or facility. If any existing forest products are destroyed**
 17 **in constructing, operating or maintaining the line, fixture or facility, the person construct-**
 18 **ing, operating or maintaining the line, fixture or facility shall pay the state the current**
 19 **market value of those products.**