

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2835**

1 On page 1 of the printed bill, line 2, after “waterways;” delete the rest
2 of the line and line 3 and insert “and prescribing an effective date.”.

3 Delete lines 5 through 23 and delete pages 2 through 6 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Public access site’ means a site on state public lands where the**
6 **public may access the lands for recreational use of a floatable natural**
7 **waterway.**

8 **“(b) ‘State public lands’ means any land, or improvements thereon,**
9 **owned by the State of Oregon.**

10 **“(2)(a) Before a state agency may restrict or close access to a public**
11 **access site, the agency shall post notice on the agency’s website for**
12 **30 days prior to the date that the restriction or closure is proposed to**
13 **take effect.**

14 **“(b) Paragraph (a) of this subsection does not apply to a restriction**
15 **or closure for:**

16 **“(A) An emergency, including but not limited to an emergency re-**
17 **lated to a domestic water supply source.**

18 **“(B) Fire prevention pursuant to the provisions of ORS 401.165 to**
19 **401.236 or 477.535 to 477.550.**

20 **“(C) Critical wildlife management activities.**

21 **“(D) A restriction or closure adopted by rule by the State Land**

1 **Board.**

2 **“(E) A temporary restriction or closure, if the restriction or closure**
3 **is for not more than 30 days.**

4 **“(F) A temporary restriction or closure, if the restriction or closure**
5 **is for routine maintenance or construction and lasts for more than 30**
6 **days.**

7 **“(3) On or before January 1 of each year, any state agency that**
8 **restricted, closed, opened or reopened access to a public access site in**
9 **the previous calendar year shall submit a report to the Legislative**
10 **Assembly that describes:**

11 **“(a) The number and location of restrictions or closures to public**
12 **access sites in the previous calendar year, including any restrictions**
13 **or closures that were found to be exempt from public notice require-**
14 **ments under subsection (2)(b) of this section;**

15 **“(b) The reasons for any restrictions or closures identified under**
16 **paragraph (a) of this subsection;**

17 **“(c) The number and location of public access sites that the agency**
18 **opened in the previous calendar year;**

19 **“(d) The number and location of public access sites that had been**
20 **closed and that the agency reopened in the previous calendar year; and**

21 **“(e) The number and location of public access sites where access**
22 **had been restricted and where the agency restored access in the pre-**
23 **vious calendar year.**

24 **“(4) Nothing in this section shall be construed to affect the jurisdic-**
25 **tion or responsibility of any state agency with respect to the oper-**
26 **ation of boats, hunting and fishing seasons, method of take or limits**
27 **for hunting and fishing, water pollution or fire control, except that a**
28 **state agency shall endeavor to perform the agency’s responsibilities in**
29 **a manner that is consistent with the provisions of this section.**

30 **“(5) State agencies may adopt rules to carry out the provisions of**

1 **this section.**

2 **“(6) This section may not be interpreted to:**

3 **“(a) Restrict the federal navigational servitude; or**

4 **“(b) Restrict or expand any rights a person has under existing**
5 **common law.**

6 **“SECTION 2. (1) As used in this section:**

7 **“(a)(A) ‘Project’ means:**

8 **“(i) Construction of a new bridge that crosses a floatable natural**
9 **waterway; or**

10 **“(ii) Improvements to an existing bridge that crosses a floatable**
11 **natural waterway.**

12 **“(B) ‘Project’ does not mean maintenance of an existing bridge.**

13 **“(b) ‘Public access’ means public access to a floatable natural**
14 **waterway.**

15 **“(2) The Department of Transportation shall notify the Department**
16 **of State Lands, the State Parks and Recreation Department and the**
17 **State Marine Board when the Department of Transportation recom-**
18 **mends a project for funding under a draft Statewide Transportation**
19 **Improvement Program, unless:**

20 **“(a) The proposed project is part of a project on a limited access**
21 **highway or ferry terminal; or**

22 **“(b) The Department of Transportation determines that siting pub-**
23 **lic access near the proposed project is not feasible.**

24 **“(3) After receiving notice from the Department of Transportation**
25 **under subsection (2) of this section, the Department of State Lands,**
26 **the State Parks and Recreation Department and the State Marine**
27 **Board may propose changes to the proposed project to enable public**
28 **access and may provide the Department of Transportation with an**
29 **estimate of:**

30 **“(a) The availability of funding from sources other than the State**

1 Highway Fund for a public access site near the proposed project;

2 “(b) The likelihood and type of any potential public use of a public
3 access site near the proposed project; and

4 “(c) Any impacts associated with siting public access near the pro-
5 posed project.

6 “(4) The state agency that proposed the project shall consider any
7 changes that are proposed under subsection (3) of this section but may
8 not alter the purpose or need of the proposed project based on the
9 proposed changes.

10 “(5) Before the Oregon Transportation Commission approves a
11 project for funding under a Statewide Transportation Improvement
12 Program, the Department of Transportation shall consider, for each
13 proposed project, estimates of:

14 “(a) The availability of funding from the State Highway Fund and
15 other sources for a public access site near the proposed project;

16 “(b) The likelihood and type of any potential public use of a public
17 access site near the proposed project;

18 “(c) Any impacts associated with siting public access near the pro-
19 posed project; and

20 “(d) Any impacts on traffic, roadways or highway safety from siting
21 public access near the proposed project.

22 “(6) To the greatest extent practicable, when constructing a project,
23 the Department of Transportation may not adversely impact existing,
24 lawful public access.

25 “SECTION 3. Section 1 of this 2019 Act applies to restrictions or
26 closures of public access sites proposed on or after the effective date
27 of this 2019 Act.

28 “SECTION 4. Section 2 of this 2019 Act applies to draft Statewide
29 Transportation Improvement Programs proposed after the effective
30 date of this 2019 Act.

