

Senate Bill 38

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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**.

Authorizes Oregon Department of Aviation to establish fee to cover tall structure evaluations.

A BILL FOR AN ACT

1
2 Relating to tall structure evaluation fee; amending ORS 836.530.

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

4 **SECTION 1.** ORS 836.530 is amended to read:

5 836.530. (1) In addition to any other rulemaking authority, the Director of the Oregon Depart-
6 ment of Aviation may adopt rules:

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

11 (b) Establishing standards for lighting or marking objects and structures that constitute hazards
12 to air navigation.

13 (c) Establishing standards for mitigating physical hazards to air navigation by altering the
14 height or location of objects and structures.

15 (d) Establishing standards for mitigating hazards to air navigation by altering approach surface
16 standards or installing navigational aids.

17 **(e) Establishing a fee to cover the costs of tall structure evaluations.**

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

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

20 (b) Determine responsibility for installation and maintenance of lighting or marking and for al-
21 teration of the height or location of specific objects or structures that constitute hazards to air
22 navigation.

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

25 (d) Make recommendations to the Federal Aviation Administration to require that airports alter
26 approach surface standards or install navigational aids for the purpose of mitigating hazards to air
27 navigation.

28 (3) Rules and standards adopted under this section are limited to and may not be more restric-
29 tive than current federal norms, including but not limited to, regulations and circulars, pertaining
30 to objects affecting navigable airspace.

31 (4) Any person or entity required to comply with an order issued under this section may contest

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 the order as provided under ORS chapter 183.

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