

HB 3055-9
(LC 2448)
4/20/21 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of the Oregon Department of Aviation)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3055**

1 On page 1 of the printed bill, line 7, delete “825.402 and 825.404” and in-
2 sert “825.402, 825.404, 836.055 and 836.530”.

3 On page 25, after line 2, insert:

4 **“SECTION 41a.** ORS 836.055 is amended to read:

5 “836.055. (1) In operating an airport or air navigation facility owned or
6 controlled by the state, the Oregon Department of Aviation, as authorized
7 by the State Aviation Board, may enter into contracts, leases and other ar-
8 rangements, for a term not exceeding 30 years [*with any persons*] **for non-**
9 **commercial arrangements or 50 years for commercial arrangements:**

10 “(a) Granting the privilege of using or improving [*such*] **the** airport or
11 air navigation facility, or any portion or facility [*thereof*] **of**, or space
12 [*therein*] **in, the airport or air navigation facility**, for commercial purposes;

13 “(b) Conferring the privilege of supplying goods, commodities, things,
14 services or facilities at [*such*] **the** airport or air navigation facility; or

15 “(c) Making available services to be furnished by the department or its
16 agents at [*such*] **the** airport or air navigation facility.

17 “(2) In each [*such*] case the department may establish the terms and con-
18 ditions and fix the charges, rentals or fees for the privileges or services,
19 which shall be reasonable and uniform for the same class of privilege or
20 service and shall be established with due regard to the property and im-
21 provements used and the expenses of operation to the state; provided, that

1 in no case shall the public be deprived of its rightful, equal and uniform use
2 of the airport, air navigation facility, or portion or facility [*thereof*] **of the**
3 **airport or air navigation facility.**

4 **“SECTION 41b. The amendments to ORS 836.055 by section 41a of**
5 **this 2021 Act apply to contracts, leases and other arrangements en-**
6 **tered into on or after the effective date of this 2021 Act.”.**

7 On page 51, after line 27, insert:

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9 **“TALL STRUCTURE EVALUATION FEE**

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11 **“SECTION 82.** ORS 836.530 is amended to read:

12 “836.530. (1) In addition to any other rulemaking authority, the Director
13 of the Oregon Department of Aviation may adopt rules:

14 “(a) To define physical hazards to air navigation and determine whether
15 specific types or classes of objects or structures constitute hazards. Rules
16 defining physical hazards and determining whether specific types or classes
17 of objects or structures constitute hazards may be adopted only after a fact-
18 finding process and must be supported by substantial evidence.

19 “(b) Establishing standards for lighting or marking objects and structures
20 that constitute hazards to air navigation.

21 “(c) Establishing standards for mitigating physical hazards to air naviga-
22 tion by altering the height or location of objects and structures.

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

25 **“(e) Establishing a fee to cover the costs of tall structure evalu-**
26 **ations.**

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

29 “(a) Determine whether specific objects or structures constitute a hazard
30 to air navigation.

1 “(b) Determine responsibility for installation and maintenance of lighting
2 or marking and for alteration of the height or location of specific objects
3 or structures that constitute hazards to air navigation.

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

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

10 “(3) Rules and standards adopted under this section are limited to and
11 may not be more restrictive than current federal norms, including but not
12 limited to, regulations and circulars, pertaining to objects affecting
13 navigable airspace.

14 “(4) Any person or entity required to comply with an order issued under
15 this section may contest the order as provided under ORS chapter 183.”.

16 In line 31, delete “82” and insert “83”.

17 On page 52, line 9, delete “83” and insert “84”.

18 In line 14, delete “84” and insert “85”.

19 In line 21, delete “85” and insert “86”.

20 In line 31, delete “86” and insert “87”.

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