



# Oregon

Kate Brown, Governor

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**DATE:** March 19, 2019

**TO:** House Committee on Natural Resources

**FROM:** Mac Lynde, Deputy Highway Division Administrator

**SUBJECT:** HB 2835 (-1) – Public Use Waterway Access

## INTRODUCTION

House Bill 2835 (-1) defines public use waterway and requires a state agency to notify the Department of State Lands of restrictions or closures of public lands used to access public use waterways. The bill further requires the Department of Transportation (ODOT) to consider the feasibility of providing a means of public access to the public use waterway for recreation use during the design process for a state highway project including bridge work.

## DISCUSSION

ODOT's mission is to provide a safe and reliable multimodal transportation system that connects people and helps Oregon's communities and economy thrive. ODOT delivers on this mission by investing in transportation projects across the state, including maintaining public highways and bridges.

House Bill 2835 aims to enhance recreational access to waterways by ensuring “no net loss” of public access and expanding public access where practicable from public lands across the state. Recreational access to public waterways falls outside the traditional scope of ODOT's mission to preserve, maintain, and enhance Oregon's transportation system; however, identifying opportunities to enhance public access through partnership with other agencies is a goal ODOT supports. Therefore, we raise the following points for consideration and look forward to continued conversations with the bill's sponsors and proponents:

- Consider requiring ODOT notify appropriate sister agencies when an opportunity for recreational access arises, instead of requiring ODOT perform a feasibility analysis on all bridge projects;
- Consider making this notification a prospective requirement, so as to not impede or otherwise delay already-planned and -designed projects;
- Consider ensuring regular maintenance and bridge preservation projects are excluded from this notification requirement, as only new bridge or significant capital investment projects truly enable modification that would increase access to public use waterways; Ensure any activity is an eligible use of State Highway Fund dollars (supports the “construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas”); and
- Ensure proposed project changes do not alter the purpose of the proposed bridge project.

**SUMMARY**

House Bill 2835 (-1) directs ODOT to consider the feasibility of providing public access to a public use waterway from a bridge or bridge structure. ODOT's role as currently envisioned in the (-1) amendments require work exceeding the scope of the agency and require prioritization and expenditures inconsistent with our current funding sources.

ODOT looks forward to continued work on subsequent amendments to this measure to strike an appropriate role for the agency that supports the goals of the bill where practicable.

Please feel free to reach out to me with any additional questions.