

SB 38 STAFF MEASURE SUMMARY

Joint Committee On Transportation

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Meeting Dates: 2/2, 5/6

WHAT THE MEASURE DOES:

Authorizes the Department of Aviation to establish a fee to cover the cost of tall structure evaluations.

FISCAL: *Fiscal impact statement issued*

REVENUE: *No revenue impact*

NOTE: *LFO has indicated that the measure will require subsequent referral to Committee on Ways and Means*

ISSUES DISCUSSED:

- Types of structures that are inspected for possible obstruction
- Roughly 1,100 evaluations each year
- Whether proper zoning can address the issue
- Flat fee structure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon statutes prohibit construction of objects or structures that constitute a physical hazard to air navigation (ORS 836.535). Such hazards are determined by the Oregon Department of Aviation in coordination with governing bodies with land use jurisdiction over the property in question. Exceptions are provided for structures related to commercial mobile radio service providers and for persons approved for, or who have applied for approval for, construction of objects by the Federal Aviation Administration or the Energy Facility Siting Council.

The Oregon Department of Aviation is responsible for making determinations, based on a variety of federal, state, and local regulations, whether existing or planned buildings or structures impose on airspace around airports in ways that create navigational hazards. Such hazards may include permanent structures like buildings, towers, signage, or wind turbines; they may also include temporary structures such as construction equipment, materials, or cranes.

Senate Bill 38 provides authorization to the Department of Aviation to adopt rules to establish a fee to cover the cost of tall structure evaluations, as part of the Department's efforts to mitigate hazards to air navigation.