

Enrolled
Senate Bill 38

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CHAPTER

AN ACT

Relating to tall structure evaluation fee; amending ORS 836.530.

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

SECTION 1. ORS 836.530 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed by Senate June 16, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 22, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State