



JACKSON COUNTY

Roads

Roads and Parks Administration

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April 25, 2023

Co-Chairs Frederick and McLain
Co-Vice Chairs Boquist and Boshart Davis
Members of the Joint Committee on Transportation

Re: HB 3556, Public Hearing April 25, 2023 5:00 PM

On behalf of Jackson County Roads, I appreciate the Joint Committee on Transportation's willingness to explore the development of a sustainable funding source for the growing issues surrounding abandoned recreational vehicles (RV's) on public properties.

The prevalence of abandoned RV's in public places such as our parks and road rights-of-way continues to place a burden on our law enforcement and public works teams in Southern Oregon. Removal of abandoned RV's can cost our department several thousands of dollars that would otherwise be allocated towards public improvements, while consuming copious amounts of staff time to resolve. The majority of times, these RV's have been left in our jurisdiction after being partially dismantled, are leaking sewage, or other hazardous wastes, and in many cases are littered with unknown substances that could put our team members at risk. Plainly put, they are uninhabitable to many, pose potential hazards to the community, and are a drain on our fiscal resources.

While we support efforts to develop a sustainable funding mechanism for removal, we have grave concerns with language as drafted in the -2 amendment, specifically in regards to the definition of a road "hazard or obstruction." Significant changes in this amendment were not included in the draft LC.

Concerns

- A "hazard or obstruction" is currently defined in ORS 819.120. This bill dilutes that definition in a manner that is dangerous and likely to lead to unintended consequences. For example, under existing ORS 819.120, a hazard or obstruction "includes, but is not limited to" certain conditions. This bill removes that open-ended analysis and replaces it with a short and finite list of conditions, thus narrowing the ability of law enforcement and public safety officials to determine what constitutes a "hazard or obstruction" in real-life circumstances on our highways.
- The bill omits entirely the following existing condition that constitutes a "hazard or obstruction" in ORS 819.120(2)(a): "Any vehicle that is parked so that any part of the vehicle extends within the paved portion of the travel lane." Thus, an argument can be made that this would legalize parking an "abandoned vehicle" in a lane of travel so long as it's not "***within the highway shoulder or bicycle lane***" of any highway within 1,000 feet of the area where a highway exit or

entrance ramp meets the highway.” With the deletion of this language, one may arguably park it in the middle of the street, so long as it’s not encroaching on the shoulder; this would be dangerous to say the least.

- Regarding the word “highway,” it’s not defined in the bill, but it is broadly defined in ORS 801.305 as “every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.” Thus, the references to “highway” initially indicate that this bill would include a County road. But this is arguably not the case because Section 5(b)(A) refers to a “highway exit or entrance *ramp*” (emphasis added); this reference to “ramp” appears to be a vestige of current ORS 819.120(2)(b)(C), which in part refers to a “freeway exit or entrance ramp.” Unlike freeways, County highway exits and entrances generally don’t have a “ramp”; thus, the bill arguably may legalize parking abandoned RVs on any County road shoulder or bicycle lane for over 72 hours (depending on when the 72-hour notice is attached to the vehicle). **This would be incredibly dangerous.**
- In addition to this concern about the use of the word “ramp,” we are also concerned about an interpretation of the term “hazard or obstruction” that would, under Section 5(b)(A), prohibit immediate towing of an abandoned RV that is dangerously parked in a highway shoulder or bicycle lane – so long as the RV is not within “1,000 feet of . . . a highway exit or entrance[.]” This 1,000-foot limitation is arbitrary and fails to take into account the many circumstances that make parking in a highway shoulder dangerous, including sightlines, travel lane width, and shoulder width.

These concerns are serious, as the bill could potentially result in placing travelers, either vehicular, pedestrian and/or bicyclists, in danger and reduce safety on our state, county and city roads. Further, although the workgroup sessions included concerns about making any changes to the existing statutory definition of “hazard or obstruction,” these concerns are not reflected in the -2 amendment. While we have a large issue to resolve in regards to abandoned RV’s in our state, this bill should not move forward in its current form for the safety of the travelling public.

Sincerely,

Steve Lambert
Director