

# Senate Bill 1024

Sponsored by Senator SMITH DB

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lets ODOT work with cities and counties to remove things left in the highway right of way. (Flesch Readability Score: 80.6).

Expands authority of the Department of Transportation to enter into intergovernmental agreements with cities and counties to remove personal property left on property that is owned by the department.

## A BILL FOR AN ACT

1  
2 Relating to removal of personal property on highway right of way; amending ORS 195.515.

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

4 **SECTION 1.** ORS 195.515 is amended to read:

5 195.515. (1) The Department of Transportation may enter into an intergovernmental agreement  
6 with a city [*that has a population of 500,000 or more*] **or county** for the removal, storage and dis-  
7 position of personal property deposited, left or displayed on property that is owned by the depart-  
8 ment. [*The city*] **A city or county** shall prioritize removal of personal property that is within the  
9 right of way of a highway under the jurisdiction of the department as a road authority pursuant to  
10 ORS 810.010.

11 (2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered  
12 into under this section may provide alternative provisions related to the removal, storage and dis-  
13 position of personal property if the alternative provisions conform with the requirements for local  
14 government policy for removal of homeless individuals and personal property under ORS 195.505.

15 (3) In addition to the requirements described in subsection (2) of this section, an intergovern-  
16 mental agreement entered into under this section must include the following:

17 (a) Requirements for posting notice before the removal of personal property, including but not  
18 limited to the following:

19 (A) That the notice is created using durable materials and securely posted within 30 feet of the  
20 personal property to be removed;

21 (B) That the notice must provide the date the notice begins and the date upon which the city,  
22 **county** or department may begin removing personal property; and

23 (C) That the notice must provide a description of:

24 (i) How an individual may access personal property that is removed and stored; and

25 (ii) The length of time the city, **county** or department will store personal property before the  
26 city, **county** or department disposes of it.

27 (b) A requirement that the notice expires 10 days after the city, **county** or department posts the  
28 notice.

29 (c) A severe weather protocol regarding the weather conditions under which the city, **county**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 or department will not remove personal property.

2 (d) Provisions related to inventorying and storing the personal property to be removed.

3 (e) Provisions related to the city, **county** or department relinquishing unclaimed personal prop-  
4 erty after the storage period to the city's, **county's** or department's designated agent.

5 (f) Provisions related to when the city **or county** will provide impact reduction services, in-  
6 cluding but not limited to trash collection.

7 (g) A provision providing that if the department requests city **or county** services under the  
8 intergovernmental agreement, but the city **or county** is unable or unwilling to provide services as  
9 requested, the department or the department's contractor may perform the requested services con-  
10 sistent with the terms of the agreement, including but not limited to posting notice.

11 (4) The 72-hour notice under ORS 195.505 required under subsection (2) of this section does not  
12 apply:

13 (a) When there are grounds for law enforcement officials to believe that illegal activities other  
14 than camping are occurring;

15 (b) Where there is an exceptional emergency, such as possible site contamination by hazardous  
16 materials; or

17 (c) When there is immediate danger to human life or safety.

18 (5) Before the city **or county** adopts an intergovernmental agreement under this section or  
19 changes to the agreement, the city **or county** shall invite public comment on the proposed agree-  
20 ment or the proposed changes to the agreement.

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