

House Bill 3467

Sponsored by COMMITTEE ON ELECTIONS AND RULES

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**.

Allows reclassification of public road or portion of public road as restricted use public road by resolution of county governing body or upon petition by owners of land that abuts public road or portion of public road proposed to be reclassified.

A BILL FOR AN ACT

1
2 Relating to reclassification of public roads; creating new provisions; and amending ORS 368.001.

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

4 **SECTION 1. Sections 2 to 5 of this 2005 Act are added to and made a part of ORS chapter**
5 **368.**

6 **SECTION 2. (1) Except as provided in subsection (2) of this section, all or a portion of a**
7 **public road may be reclassified as a restricted use public road by:**

8 (a) A resolution of a county governing body under section 3 of this 2005 Act; or

9 (b) A petition initiated by landowners under section 4 of this 2005 Act.

10 (2) All or a portion of a public road may not be reclassified as a restricted use public road
11 if the public road or portion provides access to public land.

12 (3) Reclassification under this section does not alter a governmental body's responsibil-
13 ities that existed before reclassification of the public road.

14 (4) A public hearing is not required to reclassify a public road under section 3 or 4 of this
15 2005 Act.

16 **SECTION 3. A county governing body may initiate proceedings to reclassify all or a por-**
17 **tion of a public road as a restricted use public road by a resolution that contains:**

18 (1) A description of the public road proposed to be reclassified;

19 (2) A list of the names and mailing addresses of all owners of land that abuts the public
20 road or the portion proposed to be reclassified; and

21 (3) A statement of the reasons for the reclassification.

22 **SECTION 4. (1) The landowners described in subsection (2) of this section may petition**
23 **a county governing body to reclassify all or a portion of a public road as a restricted use**
24 **public road.**

25 (2) The petition must be signed by:

26 (a) At least two-thirds of the owners of land that abuts the public road or the portion
27 proposed to be reclassified; or

28 (b) Landowners who own at least two-thirds of the land collectively that abuts the public
29 road or the portion proposed to be reclassified.

30 (3) The petition shall be filed with the county governing body and must contain:

31 (a) A description of the public road proposed to be reclassified;

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 **(b) A list of the names and mailing addresses of all owners of land that abuts the public**
2 **road or the portion proposed to be reclassified;**

3 **(c) A statement of the reasons for the reclassification; and**

4 **(d) A brief statement giving the owners' approval of the reclassification.**

5 **(4) The county governing body shall review the petition and, unless the governing body**
6 **finds a compelling public interest for denying the petition, shall approve the petition within**
7 **90 days after the filing of the petition.**

8 **(5) The county governing body may charge the petitioning landowners a fee not to exceed**
9 **\$500 for a reclassification under this section.**

10 **SECTION 5. Upon the approval by a county governing body of a petition filed under sec-**
11 **tion 4 of this 2005 Act, the landowners described in section 4 of this 2005 Act may place:**

12 **(1) A gate that cannot be locked across the restricted use public road.**

13 **(2) A sign along the restricted use public road that identifies the road as a restricted use**
14 **public road.**

15 **SECTION 6.** ORS 368.001 is amended to read:

16 368.001. As used in this chapter:

17 (1) "County road" means a public road under the jurisdiction of a county that has been desig-
18 nated as a county road under ORS 368.016.

19 (2) "County road official" means the roadmaster, engineer, road supervisor, public works direc-
20 tor or other administrative officer designated by the county governing body as being responsible for
21 administration of the road activities of the county.

22 (3) "Local access road" means a public road that is not a county road, state highway or federal
23 road.

24 (4) "Owner" means a vendee under a recorded land sale contract or, if there is no recorded land
25 sale contract, the holder of the record title of land if the vendee or holder has a present interest
26 equal to or greater than a life estate.

27 (5) "Public road" means a road over which the public has a right of use that is a matter of
28 public record.

29 **(6) "Restricted use public road" means all or a portion of a public road that is restricted**
30 **to use by:**

31 **(a) Owners of land that abuts the public road;**

32 **(b) Individuals on official government business;**

33 **(c) Emergency vehicles as that term is defined in ORS 801.260;**

34 **(d) Ambulances as that term is defined in ORS 801.115;**

35 **(e) Guests and invitees of an owner of land that abuts the public road; and**

36 **(f) Individuals with hunting or angling licenses who are using the public road in con-**
37 **nection with taking wildlife.**

38 [(6)] (7) "Road" means the entire right of way of any public or private way that provides ingress
39 to or egress from property by means of vehicles or other means or that provides travel between
40 places by means of vehicles. "Road" includes, but is not limited to:

41 (a) Ways described as streets, highways, throughways or alleys;

42 (b) Road related structures that are in the right of way such as tunnels, culverts or similar
43 structures; and

44 (c) Structures that provide for continuity of the right of way such as bridges.

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