

Enrolled
Senate Bill 101

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Transportation and Office of Regulatory Streamlining)

CHAPTER

AN ACT

Relating to approach roads; creating new provisions; and amending ORS 374.313.

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

SECTION 1. ORS 374.313 is amended to read:

374.313. (1) [*When*] **If** the Department of Transportation closes an approach road for which a permit was issued under ORS 374.310 or **that was allowed by law prior to enactment of statutory permit requirements for approach roads, or if the department** denies an application for an approach road permit submitted pursuant to a grant or reservation of access contained in a contract, condemnation judgment or recorded deed, and the closure or denial is not the result of conditions contained in a contract, condemnation judgment, recorded deed or permit, a person holding an interest in the real property benefited by the access or proposed access may file a claim for relief as a contested case under ORS 183.415 to 183.500.

(2) Prior to issuing a final order in a contested case under subsection (1) of this section, the Director of Transportation may provide the opportunity for the parties to participate in mediation consistent with the applicable provisions of ORS 36.185 to 36.210. In any alternative dispute resolution proceeding, the director may authorize administrative remedies, including monetary damages or other relief, as determined by the department by rule, to address issues related to real property value, utility or use.

(3) In any proceeding under this section, any party may cause an appraisal of the subject property to be conducted. If the difference in value between a property owner's claim and an offer of monetary compensation by the department is less than \$30,000, the director shall provide a simplified procedure for resolving the claim. The cost of conducting an appraisal may be shared by the parties when a mutually acceptable appraiser can be identified.

SECTION 2. The amendments to ORS 374.313 by section 1 of this 2005 Act apply to approach roads closed on or after the effective date of this 2005 Act.

Passed by Senate February 21, 2005

.....
Secretary of Senate

.....
President of Senate

Passed by House May 24, 2005

.....
Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2005

.....
Secretary of State