

# Senate Bill 566

Sponsored by Senator MORRISETTE

## 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**.

Prohibits Oregon Transportation Commission and Department of Transportation from designating highway or portion of highway as freight route if also designated as historic and scenic highway.

## A BILL FOR AN ACT

1  
2 Relating to highway designations; creating new provisions; and amending ORS 377.105.

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

4 **SECTION 1.** ORS 377.105 is amended to read:

5 377.105. When a highway, portion of a highway or highway related structure is designated as  
6 an historic and scenic highway under ORS 377.100, the Oregon Transportation Commission and the  
7 Department of Transportation:

8 (1) Shall provide for the rehabilitation, restoration, maintenance and preservation of those fea-  
9 tures of the highway or structure that have historical, engineering, recreational, scenic or tourist  
10 related significance, whenever prudent and feasible.

11 (2) May consult with the State Historic Preservation Officer, state historic organizations and  
12 other appropriate groups or organizations to determine how to best rehabilitate, restore, maintain  
13 and preserve the significant features of the highway or structure.

14 (3) In all highway planning and funding considerations, shall provide for the continuance of the  
15 significant features of the highway or structure, whenever prudent and feasible.

16 (4) As the commission determines appropriate, may arrange for and provide for posting of signs,  
17 consistent with ORS 377.700 to 377.840, 810.200 and 810.210, to inform the traveling public of the  
18 location and significant features of the highway or structure.

19 (5) [*Shall*] **May** not dismantle, destroy, abandon, significantly transform or sell the highway or  
20 structure or any portion thereof or take any other action that will adversely affect the preservation  
21 of the highway or structure as an historic and scenic highway when it is prudent or feasible not to  
22 take such action.

23 (6) May provide for bypass highways to divert damaging traffic from use of the highway or  
24 structure or provide other means of limiting or diverting use of the highway or structure by dam-  
25 aging traffic.

26 (7) [*Are directed to*] **Shall** seek and may accept and use for the purposes of this section and ORS  
27 377.100 contributions, gifts, grants and moneys from any source, public or private.

28 (8) May hold hearings [*that have been given*] **after** appropriate public [*notification*] **notice** before  
29 any significant action is taken relating to a highway, portion of a highway or highway related  
30 structure that is so designated.

31 (9) Shall consider aesthetics and environmental effects when the only alternative to rehabili-

**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 tation or restoration is to replace a portion of a highway or highway related structure so desig-  
2 nated.

3 **(10) May not also designate the highway or portion of highway as a freight route. As used**  
4 **in this subsection, “freight route” has the meaning given that term in the version of the**  
5 **Department of Transportation’s Oregon Highway Plan of 1999 that is in effect on January 1,**  
6 **2005.**

7 **SECTION 2. If a highway or portion of highway has been designated as an historic and**  
8 **scenic highway under ORS 377.100 prior to the effective date of this 2005 Act and the same**  
9 **highway or portion of highway has been designated as a freight route pursuant to the version**  
10 **of the Department of Transportation’s Oregon Highway Plan of 1999 that is in effect on**  
11 **January 1, 2005, prior to the effective date of this 2005 Act, the Department of Transporta-**  
12 **tion shall remove the freight route designation.**

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