

TITLE 40

AERONAUTICS

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Chapter 491

1975 REPLACEMENT PART (1977 reprint)

Aeronautics Administration

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491.002 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Administrator" means the Aeronautics Administrator.

(2) "Aeronautics Division" or "division" means the Aeronautics Division of the Department of Transportation.

(3) "Commission" means the Oregon Transportation Commission.

(4) "Department" means Department of Transportation.

(5) "Director" means Director of Transportation.

[1969 c.599 §11; 1973 c.249 §63]

491.005 Aeronautics Division established. (1) Subject to subsection (2) of ORS 184.615, the Aeronautics Division is continued within the Department of Transportation.

(2) For the purpose of administration, the chief administrative officer of the division may with the approval of the director organize and reorganize the division in the manner that he considers necessary to conduct properly the work of the division.

[1969 c.599 §10; 1973 c.249 §64]

491.010 [Repealed by 1973 c.249 §91]

491.020 [Repealed by 1973 c.249 §91]

491.030 [Repealed by 1973 c.249 §91]

491.040 [Repealed by 1973 c.249 §91]

491.050 Development of aeronautics.

The commission with the advice of the division shall incorporate as part of its program a definite plan for the development of airports, state airways, airplane industries and aviation generally. It shall through the division cooperate with and assist the Federal Government, the municipalities of the state, and other persons in the development of aeronautical activities. Municipalities are authorized to cooperate with the department in the development of aeronautics and aeronautic facilities in this state.

[Amended by 1973 c.249 §65]

491.060 Contracts by director. The director may enter into any contracts necessary to the execution of the powers granted it by this chapter. All contracts made by the director, either as the agent of the state or as the agent of any municipality, shall be made pursuant to the laws of the state governing the making of like contracts; however, where the planning, acquisition, construction, improvement, maintenance or operation of any airport, or any navigation facility is financed

wholly or in part with federal money, the director as the agent of the state or any municipality may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder.

[Amended by 1973 c.249 §66]

491.070 Use and administration of federal and other moneys. The director may accept, receive, receipt for, disburse and expend federal moneys and other moneys, public or private, made available to accomplish in whole or in part the acquisition, construction, improvement, maintenance and operation of airports, and other aeronautical facilities in this state. All federal moneys accepted under this section and ORS 492.140 shall be accepted and transferred or expended upon such terms and conditions as are prescribed by the United States. All moneys received pursuant to this section and ORS 492.140 shall be deposited in the State Treasury and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys hereby are appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

[Amended by 1973 c.249 §67]

491.080 [Repealed by 1973 c.249 §91]

491.090 Employment of personnel.

The administrator, subject to the approval of the director shall employ such experts, attorneys, field and office assistants, clerks and other employes as may be required and authorized for the proper discharge of the functions of the division.

[Amended by 1973 c.249 §68]

491.100 General commission powers; United States facilities exempt from commission orders. (1) The commission may perform such acts, adopt or amend and issue such orders, rules and regulations, and make, promulgate and amend such minimum standards, all consistent with the provisions of this chapter, as it considers necessary to carry out the provisions of this chapter and to perform its duties thereunder.

(2) No such rule, regulation or order of the commission shall apply to airports or air navigation facilities owned or operated by the United States.

(3) All authority, power and duty delegated to the commission by the provisions of this section shall be exercised and performed in all respects commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons receiving instruction concerning, or operating, or using or traveling in aircraft, and of persons or property on land or water, and to develop and promote aeronautics in this state.

(4) Promulgation of rules, conduct of hearings and issuance and judicial review of rules and orders shall be in accordance with ORS 183.310 to 183.500.

[Amended by 1971 c.734 §23; 1973 c.249 §69]

491.110 Limitations on rules and regulations. All rules and regulations prescribed by the commission under authority of the aeronautics laws of this state shall be kept in conformity with, and limited to, as nearly as may be, the then current federal legislation governing aeronautics, the regulations duly promulgated thereunder, and rules and standards issued from time to time pursuant thereto.

[Amended by 1973 c.249 §70]

491.120 Aeronautics administrator; qualifications; compensation and expenses. The administrator shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly vested in and imposed upon him. The administrator shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have a pecuniary interest in or any stock in or bond of any civil aeronautics enterprise. The administrator shall receive such compensation as the commission may determine. The administrator shall be reimbursed as provided by ORS 292.495 for all travel and other expenses incurred by him in the discharge of his official duties.

[Amended by 1965 c 14 §44; 1969 c.599 §13; 1973 c.249 §71]

491.130 Bond of administrator; action on bond. (1) The administrator shall before entering upon the performance of his duties give bond to the state, to be approved by the Attorney General, in the penal sum of \$25,000, conditioned for the faithful performance of his duties. If a surety company bond is given the premium may be paid from the

funds available for the payment of expenses of the division.

(2) The state, the several governmental subdivisions thereof, or any person damaged by a wrongful act of commission or omission of the administrator in the performance of his official duties, may maintain an action on such bond for the recovery of damages so sustained.

[Amended by 1969 c 599 §14; 1973 c.249 §72]

491.140 Administrator's general duties and powers. The administrator under the supervision of the director shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall be responsible to the director for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the director he shall execute all contracts entered into by the director which are legally authorized. The director may, by written order filed in his office, delegate to the administrator any of the powers or duties vested in or imposed upon him by this chapter. Such delegated powers and duties may be exercised by the administrator in the name of the department.

[Amended by 1973 c.249 §73]

491.150 State Aeronautic Account; appropriation; use. All fees and other moneys received by the division, except moneys received under the provisions of ORS 491.070 and 492.140, shall be paid into the State Treasury monthly. The State Treasurer shall credit such payments to the State Aeronautic Account in the General Fund. Payments so made shall constitute, and hereby are made, an appropriation of such sums from the General Fund for the purpose of carrying out the provisions of this chapter. Except for such funds as the Legislative Assembly may transfer and appropriate to the Public Utility Commissioner for the regulation of air carriers and air commerce pursuant to ORS chapter 773, none of the funds in this section appropriated or hereafter made available for aeronautic purposes shall be expended upon any aeronautics project which is not carried out under the supervision and direction of the commission.

[Amended by 1973 c 249 §74; 1975 c.59 §3]

491.160 Audit and payment of expenses. All necessary expenses of the division incurred in carrying out the provisions of this chapter shall be audited by the Secretary of

State and paid from the State Aeronautic Account in the same manner as other claims against the state are paid, after due approval thereof by the director, or as provided by law.

[Amended by 1973 c.249 §75]

491.170 Accounts. The administrator shall keep a true and accurate account of all sums received and of vouchers issued by the division.

[Amended by 1973 c.249 §76]

491.180 [Amended by 1955 c.202 §1; 1969 c.314 §58; repealed by 1973 c.249 §91]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1975.

Thomas G. Clifford
Legislative Counsel

