Chapter 384

1971 REPLACEMENT PART
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Ferries

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GENERAL PROVISIONS

384.005 "County court" defined. As used in this chapter, unless the context requires otherwise, "county court" includes board of county commissioners.

FERRIES UNDER DEPARTMENT OF TRANSPORTATION

384.105 Department of Transportation to acquire and operate or license ferries. Whenever the Department of Transportation finds and determines that the operation of a ferry across any stream, river, bay, arm of the ocean or other body of water is necessary and convenient in connection with the use of any state highway, the department may acquire, construct, establish, maintain and operate the ferry. The department may operate the ferry under a contract, or with its own employes or under a license or permit granted by the department, the license or permit to contain such conditions, requirements, terms and provisions as to the department seem best. The maintenance or operation of any such ferry is subject, however, to the federal laws and requirements governing navigation.

384.110 Ferry approaches and other appurtenances. The Department of Transportation may itself, or under a cooperative agreement with any county, construct the necessary approaches, ramps, docks, wharves, ferry slips or other such appurtenances as are necessary for the maintenance and operation of a ferry mentioned in ORS 384.105, or the department may require the construction of such approaches, ramps, docks, wharves, ferry slips and other necessary approaches by the licensee in the event that the ferry is operated under a license or permit.

384.115 Cooperation between Department of Transportation and counties as to ferries. In the acquisition, establishment, construction or operation of a ferry mentioned in ORS 384.105, the Department of Transportation and the county court of any county within which is located any stream, river, bay, arm of the ocean or other body of water over which it is contemplated and found necessary to operate ferries, may enter into a cooperative agreement for the acquisition, construction, operation or maintenance of the ferry upon such terms and conditions as the county court and the department agree. When the ferry is operated under a cooperative agreement between the county court and the department, the cost and expense incident to the acquisition, construction, operation or maintenance of the ferry shall be apportioned between the county and the state in such manner and amount as is agreed upon.

384.120 Discretion as to ferry operation with county and charging tolls. It is discretionary with the Department of Transportation whether a ferry mentioned in ORS 384.105 be operated by the state. If operated by the state and the county under a cooperative agreement, it is discretionary with the Department of Transportation and the county court whether the ferry be operated as a free public ferry or as a charge or toll ferry.

384.125 Funds from which ferry expense paid. When a ferry mentioned in ORS 384.105 is acquired, constructed, operated and maintained by the Department of Transportation alone, the entire cost and expense may be paid out of the State Highway Fund. If the ferry has been acquired, constructed and is being operated and maintained under a cooperative agreement between the state and a county, the proportion of the cost and expense to be borne by the state, as agreed upon, shall be paid out of the State Highway Fund and the proportion to be paid by the county shall be paid out of county road funds.

384.130 Fixing ferriage rates. (1) The Department of Transportation may fix, alter and establish from time to time the rate of ferriage to be levied and collected, and may, in its judgment, whenever circumstances warrant and require, alter or change any such rate.

(2) Whenever the Department of Transportation grants a license to keep and operate a ferry across any stream, river, bay, arm of the ocean or other body of water, the department shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the body of water, having due regard to the width, situation and location of the body of water and the damages and difficulties incident to the operation of the ferry.

384.135 Posting ferriage rates. Every person licensed to keep and operate a ferry as provided in ORS 384.105 shall post in some conspicuous place near the ferry landing a

written or printed list of the rates of ferriage which are chargeable under the orders of the Department of Transportation. The list of rates shall at all times be written or printed in a plain, legible manner and posted so near the place where persons pass across the ferry that it may be readily read.

384.140 Bond of ferry licensee. Persons licensed by the Department of Transportation to maintain and operate a ferry under ORS 384.105 to 384.150 shall be required to furnish a bond in such amount as the department requires. The bond shall be conditioned upon the faithful compliance with and performance of all the conditions, requirements and provisions contained in the license, and shall be in such form as the department may prescribe. The bond shall be made payable to the state.

384.145 Revocation of ferry licenses. (1) If any keeper or operator of a ferry at any time demands and receives more than the amount designated for ferrying or fails to keep or perform the conditions of his license or contract, the Department of Transportation may revoke his license or permit and may require him to discontinue further operation of the ferry.

(2) If at any time the keeper of a ferry mentioned in ORS 384.105 neglects or refuses to post and keep up the list of the rates of ferriage mentioned in ORS 384.135, the Department of Transportation may cancel and revoke the license.

384.150 Ferry as part of state highway system. Any ferry operated and maintained as provided in ORS 384.105 to 384.145 is part of the state highway system.

FERRIES UNDER COUNTIES

384.205 Ferry operation in county by county court or contract. (1) Whenever it is determined by any county court that it is necessary and convenient to keep and maintain a ferry upon and across any navigable or nonnavigable stream or waters, including any navigable or nonnavigable arm of the sea, upon any public road or street within the county, the county court may, irrespective of whether or not the ferry is upon a county road, keep, maintain, purchase, build and operate public ferries, landings, approaches and slips upon any such stream or waters within the county, at such places thereon as the county court deems most convenient for the use of the traveling public.

(2) The county court may enter into contracts with any person for keeping, maintaining, building or operating the ferry or for furnishing public ferry service on such stream or waters.

(3) The county court may spend the general road funds of the county for the purpose of securing the public ferry service as provided in this section, in the same manner as provided by law for the laying out, establishing and construction of county roads in the county.

384.210 Contract for ferry across stream on county road. Whenever it is made to appear by petition to any county court that it is necessary to keep and maintain a ferry across any stream on any county road within its jurisdiction and that the travel on the road is not sufficient to maintain the ferry as provided in ORS 384.215 to 384.280, then the county court may enter into a contract with any person to keep and maintain a ferry on the stream. This contract shall be let to the lowest responsible bidder.

384.215 [Repealed by 1967 c.344 §10 and 1967 c.497 §7]

384.220 [Repealed by 1967 c.344 §10]

384.225 [Repealed by 1967 c.344 §10]

384.230 [Repealed by 1967 c.344 §10]

384.235 [Repealed by 1967 c.344 §10]

384.240 [Repealed by 1967 c.344 §10]

384.245 [Repealed by 1967 c.344 §10]

384.250 [Repealed by 1967 c.344 §10]

384.255 [Repealed by 1967 c.344 §10]

384.260 [Repealed by 1967 c.344 §10]

384.265 [Repealed by 1967 c.344 §10]

384.270 [Repealed by 1967 c 344 §10]

384.275 [Repealed by 1967 c.344 §10]

384.280 [Repealed by 1967 c 344 §10]

384.285 [Repealed by 1953 c.9 §2]

INTERSTATE FERRIES UNDER DEPARTMENT OF TRANSPORTATION, COUNTIES, CITIES, TOWNS AND PORTS

384.305 Operation of interstate ferries by Department of Transportation, counties, cities, towns or ports. The state

acting by and through the Department of Transportation, and any county, city, town or port of the State of Oregon adjoining or bordering on any interstate river or stream of water, is each and every one authorized to:

(1) Establish, maintain and operate ferry service in and to any adjoining state, and for such purpose may acquire by gift, purchase, lease, contract, agreement, condemnation or otherwise, real, personal and mixed property, rights, rights of way, approaches, licenses, privileges and easements, equipment and facilities in the State of Oregon or any adjoining state, necessary or convenient for the proper construction, maintenance and operation of any such ferry service or services; or

(2) Contract with others for the purpose of operating and maintaining such ferry service.

384.310 Independent or joint action. In carrying out the provisions of ORS 384.305 to 384.360, the Department of Transportation, and each of the counties, cities, towns or ports mentioned in ORS 384.305, may act independent of or in conjunction with each other upon the terms and conditions agreed upon by the contracting parties.

384.315 Agreements for carrying out powers of interstate ferry authorities. For the purpose of carrying out or putting into effect any right, power and authority granted by ORS 384.305 to 384.360 or any other law, the Department of Transportation, and each and all of the public bodies or agencies mentioned in ORS 384.305, may make and enter into agreements with:

(1) The Government of the United States or any of its agencies.

(2) Any adjoining state, its county, municipality, port or other political subdivisions or agencies.

(3) Any persons, associations, corporations, domestic or foreign.

384.320 Use of funds for interstate ferry expenses. The Department of Transportation, and any county, city, town or port mentioned in ORS 384.305, may pay out of its respective funds, or any other funds to any of them available, all or any part of the cost of the construction, maintenance and operation of the ferry service.

384.325 Loans for interstate ferry acquisition and operation; security. The construction, purchase, maintenance and operation of any ferry service under ORS 384.305 to 384.360 may be financed in whole or in part by loans obtained from the United States Government or any of its agencies, or from any other sources. As security for the payment of such loans the revenues derived from the ferry service, over and above the cost of its maintenance and operation, may be hypothecated or pledged, but no such hypothecation or pledge of revenues shall constitute in any manner, or to any extent be made to constitute, a general obligation of the State of Oregon, or of any county, city, town or port making the pledge.

384.330 Issuing revenue certificates for interstate ferry expenses. For the purpose of procuring funds, when necessary, with which to construct, maintain and operate the ferry service, the authority constructing, maintaining and operating the service may issue and sell revenue certificates, which shall not be the general obligation of the authority issuing them but shall be redeemable and payable solely from revenues accruing from the ferry service, over and above the cost of operating and maintaining the service. Such certificates may be purchased by the State of Oregon.

384.335 Acceptance of funds from United States and gifts. The Department of Transportation, and every other public body and agency mentioned in ORS 384.305 may:

(1) Accept from the United States or any of its agencies, such funds as are available to this state or to any such public body or agency, for any of the purposes contemplated by ORS 384.305 to 384.360, and enter into such contracts and agreements with the United States or any of its agencies as may be necessary, proper and convenient, and not contrary to the laws of the state.

(2) Accept from any source any grant or donation of land, any gift of money or any other valuable thing, made to the state or any such county, city, town or port, for any of the purposes contemplated by ORS 384.305 to 384.360.

384.340 Eminent domain. The Department of Transportation, and any county, city, town or port mentioned in ORS 384.305 to 384.360, may exercise the power of eminent domain to carry out any of the provisions of ORS 384.305 to 384.360, in accordance with the procedure provided in ORS chapter 35.
[Amended by 1971 c 741 §30]

384.345 Operation of interstate ferry free or on toll. Any ferry constructed, purchased or otherwise acquired and operated under ORS 384.305 to 384.360 may be operated free to the public or on toll. If operated on toll, the revenues derived therefrom may be pledged as provided in ORS 384.305 to 384.360.

384.350 Use of interstate ferry by Federal Government. If any ferry constructed, maintained and operated under ORS 384.305 to 384.360 is needed by the United States for any purpose in connection with national defense, then the authority which constructed and is maintaining and operating the ferry may sell it to the United States or may, by contract, make the ferry available to the United States.

384.355 Location of interstate ferry; part of state highway system. Any ferry service maintained and operated under ORS 384.305 to 384.360 shall connect, or provision shall be made for such connection, with a state and federal highway in this state and a state and federal highway in the adjoining state to which the ferry service is maintained. Such ferry service is a part of the Oregon highway system.

384.360 ORS 384.305 to 384.355 as supplementary authority. The authority conferred by ORS 384.305 to 384.355 is in addition and supplemental to the authority conferred by any other law.

384.365 Contract or contributions for interstate ferries by counties. Whenever the county court of any county determines that the construction or maintenance of a ferry in a state adjoining such county or connecting the county with the adjoining state, where there is then no ferry licensed and maintained, is a necessity or convenience to the citizens of the county, the county court may enter into a contract for the construction or maintenance of such ferry or make contributions deemed advisable toward the construction or maintenance thereof.

OREGON-WASHINGTON COOPERATIVE INTERSTATE FERRIES

384.405 Oregon-Washington cooperative interstate ferry service. The Department of Transportation, in the name of this state, if and when it appears to the department to be for the best interest of this state and the citizens thereof, may enter into a written agreement with the State of Washington, by and through its Director of Highways or other lawfully constituted authority, whereby there shall be established and maintained ferry service for the transportation of persons and property across the Columbia River at such sites or locations as are mutually agreed upon by the Oregon Department of Transportation and the Director of Highways of the State of Washington.

384.410 Location of ferry. No ferry service shall be established or maintained under ORS 384.405 to 384.440 unless it connects a state and federal highway in the State of Oregon with a state and federal highway in the State of Washington.

384.415 Manner of ferry acquisition and operation. For the purpose of carrying out the objects of ORS 384.405 to 384.440 the Department of Transportation, acting jointly with the State of Washington, may:

(1) Purchase, acquire and operate ferries between such places; or

(2) Lease, rent or hire and operate ferries; or

(3) Contract with others for the operation of ferries between such places.

384.420 Payment of Oregon's share of ferry expense. This state shall not be obligated to pay, nor shall it pay for such ferry service, whether furnished by the facilities owned, acquired or operated by the state jointly or under contract with others, any sum in excess of 50 percent of the total cost of the service. The Department of Transportation may pay Oregon's part of the cost of the ferry service out of state highway funds in the same manner that other disbursements are made out of such funds.

384.425 Ferry as part of state highway system. Any ferry operated under ORS 384.405 to 384.440 and the approach roads thereto on the Oregon side of the Columbia River are a part of the state highway system and shall be so declared and designated by an appropriate resolution entered in the minutes of the Department of Transportation.

384.430 Rules and regulations as to ferry operation. (1) The Department of Transportation shall, jointly with the proper officials of the State of Washington, for the

protection of the general public and for the safeguarding of the interests of the State of Oregon, its officers, agents and employes, prescribe all necessary rules and regulations for the proper and efficient operation of any ferry mentioned in ORS 384.405.

(2) The operation of any ferry under ORS 384.405 to 384.440 shall conform in all respects to all federal or state laws, rules or regulations.

384.435 Liability and other insurance for ferry service. The Department of Transportation may, for the use and benefit of the state, its officers, agents or employes and of the general public, carry public liability insurance if ferries mentioned in ORS 384.405 are owned and operated by the state. The department shall require such public liability insurance if the ferry service is provided under contract with others. In addition to such public liability insurance the department may require such other insurance as in the department's judgment the interest of the state and the general public require.

384.440 Free ferry operation. Any ferry operated under ORS 384.405 to 384.440 may be operated free of tolls.

384.445 Ferry between Umatilla, Oregon, and Plymouth, Washington. (1) The County Court of Umatilla County, Oregon, and the Department of Transportation, in cooperation, may enter into such agreement, as in their judgment is advisable, with the County Court of Benton County, Washington, and the Director of Highways of the State of Washington, for the establishment, maintenance and operation of a public ferry across the Columbia River between Umatilla, Oregon, and Plymouth, Washington, and for connecting the ferry with and making it a part of the state highway systems of Oregon and Washington.

(2) The County Court of Umatilla County, Oregon, and the Department of Transportation may use such portions of the county and state road funds as in their discretion they deem advisable for such purpose.

(3) Such public ferry and county road connecting it with the state highway hereby are made a part of the Oregon state highway system.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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,
December 1, 1971.

Robert W Lundy

Legislative Counsel