

TITLE 62

AERONAUTICS

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Chapter 835

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Aeronautics Administration

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835.005 Definitions. As used in this chapter and ORS chapters 836 and 837, unless the context requires otherwise:

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

(2) "Department" means Department of Transportation.

(3) "Director" means Director of Transportation.

(4) "Manager" means the manager for the aeronautics functions of the department. [Formerly 491.002; 1993 c.741 §90]

835.009 Aviation advisory committee; members; qualifications; expenses. (1) The Oregon Transportation Commission shall appoint an aviation advisory committee to advise the department on aviation policy matters. The commission shall appoint persons with broad public and aviation interests and backgrounds. The committee shall consist of nine members who shall serve for a term of four years. One member shall be appointed from each congressional district in the state and the remaining four shall be appointed at large. Not more than three members shall be from any one congressional district. Members are eligible for reappointment.

(2) Members of the committee may receive reimbursement for actual and necessary travel or other expenses incurred in the performance of their official duties as provided in ORS 292.495 (2). [1993 c.741 §92b]

835.010 [Formerly 491.005; repealed by 1993 c.741 §147]

835.015 Development of aeronautics. The commission with the advice of the Department of Transportation 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 department 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, and shall notify the department of, and allow the department to participate in an advisory capacity in, all municipal airport or aviation system planning. [Formerly 491.050]

835.020 Contracts. The Director of Transportation may enter into any contracts authorized by the commission and necessary to the execution of the powers granted 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, im-

provement, 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. [Formerly 491.060]

835.025 Use and administration of federal and other moneys. The Director of Transportation as authorized by the commission 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 836.070 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 836.070 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. [Formerly 491.070]

835.030 Employment of personnel. (1) The manager, subject to the approval of the director, shall employ such experts, field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the department related to aeronautics.

(2) So far as is possible, all employees of the department who are engaged in aeronautics planning and operations shall be situated in the same building. [Formerly 491.090; 1993 c.741 §90a]

835.035 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 183.550. [Formerly 491.100]

835.040 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. [Formerly 491.110]

835.045 Director; qualifications; compensation and expenses. The Director of Transportation shall be appointed with due regard to 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 the director. The director shall devote the entire time of the director to the duties of office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall the director have a pecuniary interest in or any stock in or bond of any civil aeronautics enterprise. The director shall receive such compensation as the commission may determine. The director shall be reimbursed as provided by ORS 292.495 for all travel and other expenses incurred by the director in the discharge of official duties. [Formerly 491.120]

835.050 Bond; action on bond. (1) The Director of Transportation shall before entering upon the performance of 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 duties. If a surety company bond is given the premium may be paid from the funds available for the payment of expenses of the Department of Transportation.

(2) The state, the several governmental subdivisions thereof, or any person damaged by a wrongful act of commission or omission of the director in the performance of official duties, may maintain an action on such bond for the recovery of damages so sustained. [Formerly 491.130]

835.055 Manager's general duties and powers. (1) 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. The manager 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 the manager shall execute all contracts entered into by the director which are legally authorized. The director may, by written order filed in the office of the director, delegate to the manager any of the powers or duties vested in or imposed upon the director by this chapter. Such delegated powers and duties may be exercised by the manager in the name of the department.

(2) The manager, under the supervision of the director, shall oversee planning, operations, maintenance and improvement of state-owned airports of the Oregon aviation system and of the aviation equipment, planes and property of the department. The duties of the manager shall be carried out in the most cost-effective manner possible. [Formerly 491.140; 1993 c.741 §91]

835.060 State Aeronautic Account; appropriation; use. (1) All fees and other moneys received by the Department of Transportation under ORS chapter 835, 836 or 837, except moneys received under the provisions of ORS 835.025 and 836.070, 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 Commission 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. Fees paid into the account pursuant to ORS 837.045 shall be expended only for airport maintenance and capital construction and for payment of expenses of air search and rescue.

(2) The fiscal officer of the department shall keep a true and accurate account of all sums received and all vouchers issued by the department under this section. [Formerly 491.150; 1991 c.186 §6; 1993 c.741 §92]

835.065 Audit and payment of expenses. All necessary expenses of the De-

partment of Transportation 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. [Formerly 491.160]

835.070 Accounts. The Director of Transportation shall keep a true and accurate account of all sums received and of vouchers issued by the Department of Transportation. [Formerly 491.170]

835.075 Program for air search and rescue. The Department of Transportation shall establish and maintain a program for the air search and rescue of lost aircraft and persons and for the air support of other emergency situations. The program estab-

lished under this section may include, but shall not be limited to, the following:

(1) The formation of a volunteer air search and rescue organization and provision of appropriate training to this organization.

(2) Directing, coordinating and performing air activities in conjunction with air search and rescue and other emergency situations.

(3) Entering into agreements with private persons, volunteer organizations, and federal, state and local agencies for air search and rescue and other emergency activities.

(4) Such other related activities as may be deemed necessary and appropriate by the Director of Transportation. [Formerly 491.190]

