

It's hard to assemble land for a project. Getting right of way for a road can take negotiating with lots of individual landowners. Same for a railroad. Sometimes there's a need for a new line or parallel tracks, to add or extend sidings, or to build a separated grade crossing to reduce hazards – conflicts with cars, buses, trucks and pedestrians – and improve the flow. Any of that may take buying additional right of way. Currently, state and publicly owned land can be sold without consideration for potential rail expansion and improvements. That could hamper the ability to improve rail infrastructure. Re-acquiring property for improvements such as an additional siding or separated-grade crossing can be lengthy and costly. Wouldn't it be a shame to lose property only to find out we really could have used it – we just didn't know about it? I think you'll hear from other testimony this bill is about communication.

The objective of this bill is to ensure ODOT is notified for consideration of future rail use when publicly owned land in proximity to existing rail right of way is being sold or transferred. It doesn't happen often, but it can happen. The League of Oregon Cities and Association of Oregon Counties have reviewed the proposal and found it does not impose a significant burden. Update April 20: We have prepared an amendment to address concerns raised by individual cities, Tri-Met, a Class I Railroad, and committee members: remove reference to leases, clarify language about notice to sell and the position of private rail providers, and remove the right of first refusal, or opportunity to acquire, so that the bill is limited to the notification element. That is important, though, to establish a communication that has been lacking, and which ODOT, cities, and railroads have said will be beneficial.

This bill requires public agencies to notify the Oregon Department of Transportation 90 days prior to the sale or lease of state or other publicly owned land within 100 feet of existing rail lines and 500 feet of at-grade rail crossings.

ODOT will have 30 days to respond; a time limit, to not keep the other agencies waiting for a response.

This bill does not require anything of private property owners.

It does not require ODOT to purchase the property. [amendment removes this provision: But it does mean that ODOT will have an opportunity to let the other agency know that it may be useful, and consider whether there's a future opportunity, and to be sure the railroad knows as well.] These time limits are to be sure that everyone knows, and NOT hold up local government indefinitely or to put the property in limbo. The local government is in the driver's seat, then, within their parameters, to work with ODOT if there is an interest.

I hope you'll agree that this idea is a useful tool to keep our eye on publicly owned land that may no longer be needed by the agency that owns it, but *could* be useful, or necessary, for our rail infrastructure. Expanding current rail infrastructure is critical to improve our capacity to ship and export natural resources, produce, and manufactured goods -- vastly improving the state's future economic outlook and allowing for more and higher speed passenger service.