

**DIVISION 40**  
**PUBLIC REAL PROPERTY NEAR RAIL INFRASTRUCTURE NOTIFICATION**

**741-040-0010**

**Definitions**

As used in OAR 741-040-0020 to 741-040-0060, the following definitions apply:

- (1) “At-Grade crossing” means a highway-rail grade crossing as defined in the Manual on Uniform Traffic Control Devices as adopted in OAR 734-020-0005.
- (2) “Division” means Oregon Department of Transportation, Rail Division.
- (3) “Light Rail Corridor” means Real Property within 100 feet of a rail that is for trolley, streetcar or automated guideway that is not regulated by the Federal Railroad Administration, but does not include such property that is within 100 feet of a Railroad Right of Way or within 500 feet of an At-Grade crossing.
- (4) “Political subdivision” as defined by ORS 271.005(3).
- (5) “Rail Corridor” means any Real Property within 100 feet of a Railroad Right of Way or within 500 feet of an At-Grade crossing.
- (6) “Railroad Right of Way” means Real Property on which rail operation has taken place and that remains subject to the jurisdiction of the federal Surface Transportation Board.
- (7) “Real Property” means all real property together with any and all improvements thereon and any interest therein.

Stat. Auth.: ORS 184.616, 184.619, Chapter 446 OL 2011

Stats. Implemented: ORS 271.310

**741-040-0020**

**Purpose**

To provide procedures to share advance notice of Real Property for sale, exchange or conveyance by political subdivisions with private providers of rail service.

Stat. Auth.: ORS 184.616, 184.619, Chapter 446 OL 2011

Stats. Implemented: ORS 271.310

**741-040-0030**

**Notification Required**

Unless an exception applies pursuant to OAR 741-040-0040, at least 30 days before listing or placing any Real Property for sale, exchange or conveyance, a Political subdivision shall notify the Rail Division Administrator of its intent to undertake such listing or placement if the Real Property is within:

- (1) 100 feet of a Railroad Right of Way;
- (2) 500 feet of an At-Grade crossing.

Stat. Auth.: ORS 184.616, 184.619, Chapter 446 OL 2011

Stats. Implemented: ORS 271.310

**741-040-0040**

**Exempt from Notification**

Listing or placing any Real Property for sale, exchange or conveyance within a Light Rail Corridor is exempt from the notice requirements of ORS 271.310(3) or Division 40.

Stat. Auth.: ORS 271

Stats. Implemented: ORS 271-310

**741-040-0050**

**Form of Notification**

The Political subdivision will provide on forms approved by the Division the following information:

- (1) A detailed description of the Real Property to be sold, including its approximate size in square feet or acreage and its legal description;
- (2) A map showing the location of the Real Property in relation to the Railroad Right of Way and/or At-Grade crossing;
- (3) A completed notice using a form provided by the Division; and
- (4) Any other information the Division may request.

Stat. Auth.: ORS 184.616, 184.619, Chapter 446 OL 2011

Stats. Implemented: ORS 271.310

**741-040-0060**

**Submittal Process**

The Political subdivision shall submit notification and notification materials either electronically or in hard copy format.

Stat. Auth.: ORS 184.616, 184.619, Chapter 446 OL 2011

Stats. Implemented: ORS 271.310

**741-040-0070**

**Railroad Notification**

- (1) Division shall solicit from each provider of rail service operating within the State first-class U.S. and electronic mail addresses to which Division shall send notifications required hereunder.
- (2) Division will notify any provider of rail service using the Railroad Right of Way within the area specified by ORS 271.310(3) of the Real Property being sold, exchanged or conveyed by at least one of the following methods:

- (a) Mailed notice;

- (b) Electronic mail notice.

Stat. Auth.: ORS 184.616, 184.619, Chapter 446 OL 2011

Stats. Implemented: ORS 271.310