

KLAMATH IRRIGATION DISTRICT
POLICY CONCERNING MAINTENANCE AND USE
OF DISTRICT MAINTAINED BRIDGES

The Klamath Irrigation District maintains approximately 100 bridges, which cross canals, laterals, drains, and other District-maintained facilities. All of the bridges maintained by the District are owned by the United States of America, Department of Interior, Bureau of Reclamation, and were transferred to the District for operation and maintenance by the November 29, 1954 Contract between the United States Department of Interior and the Klamath Irrigation District. The November 29, 1954 Contract provides in paragraph 7:

"(a) No substantial change in any of the transferred works shall be made by the District without first obtaining the written consent of the Secretary.

(b) The District shall promptly make any and all repairs to the transferred works, which in the opinion of the Secretary are necessary for their proper preservation in as good condition as they were on the effective date of the Contract."

The bridges maintained by the District are "Transferred Works" and subject to the provisions of said paragraph 7.

All of the bridges were constructed to provide access for the US Bureau of Reclamation (formerly the Reclamation Service) to operate and maintain the Transferred Works. Many of the bridges were constructed in the early part of the twentieth century to accommodate the types of vehicles and machinery then in use. Some types of contemporary vehicles and machinery are substantially larger and heavier than the type of equipment for which the bridges were designed. Over the years the members of the district and their guests and invitees have used the bridges for their convenience and without permission of the Bureau of Reclamation or the District. The bridges are not maintained to accommodate many of the loads to which they are subjected by members of the District.

The District is funded by charges levied by the District against the land served by the District. The District's Board of Directors strives to balance the cost of operating and maintaining all District facilities against the economic impact of District charges on its members. The primary purpose of the District is operate and maintain the Transferred Works to divert and deliver irrigation water to the agricultural operations in the District and to remove excess drainage water from those lands. The District is not in the business of providing transportation systems for use of District's members and the public. The cost of constructing new bridges capable of safely accommodating the heavy loads of contemporary farm equipment is cost prohibitive and would severely and detrimentally impact the District's ability to maintain the hundreds of miles of canals, drains, hundreds of head gates, pumps, and other facilities that are necessary for the delivery of irrigation water and the removal of drainage water within the

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District. Therefore, the District's Board of Directors, in its discretion, finds that it is in the best interest of the District and its members to comply with the requirements of the 1954 Contract by maintaining the transferred works in the condition they were in at the time the District received them and that it is cost prohibitive to replace, rebuild or otherwise improve the bridges to accommodate the loads of large equipment and vehicles.

A study in 2008 of the bridges maintained by the District determined that the bridges, if maintained in their current condition, can accommodate loads up to 20,000 pounds. The study found that the bridges are being maintained in an appropriate manner, consistent with their design limitations. The District will continue to maintain the bridges in a condition at least as good as they were in at the time maintenance of the bridges was transferred to the District in 1954.

Notwithstanding the District's intention to maintain the bridges to accommodate the original design capacity, the use of all bridges maintained by the District by all users shall be at the sole risk of the user. The District does not have the ability within its budget and staffing limitations to monitor or control traffic across the bridges maintained by the District or to effectively limit their use by people or entities that choose to exceed the 20,000-pound design capacity of the bridges. The District shall not be responsible or liable for damages of any kind to any user arising or resulting from the failure of a bridge and will repair or replace the bridge when the District's resources, including labor, equipment, and finances, allow.

All people and entities using a District-maintained bridge shall have a duty to monitor the condition of the bridge and to immediately report to the District Manager or Assistant Manager any and all damage or other structural deficiency of a District bridge observed by the user. The user who has ownership or control of tractors, combines, trucks, implements, or other machinery having a gross weight in excess of 20,000 pounds that crosses or attempts to cross a bridge shall be strictly liable to the District for the actual cost of repairing or replacing the bridge which fails or is damaged during such use, whether or not the failure or damage was caused exclusively by such use. Such cost reimbursement shall be due and payable to the District within ten (10) days of delivery of a statement to the user detailing the cost of repair or replacement of the bridge. Such cost reimbursement is deemed a "charge" as that term is used in ORS 545.494, and may be collected in the manner provided in ORS 545.496 to ORS 545.504.

The District will make a reasonable attempt to advise its members of the limitations of the bridge and obligations and duties of the District and members of the District arising under this Policy by posting a copy of this Policy in the District office for a period of thirty (30) days after adoption of this Policy by the Board, and by inclusion of an article describing the Policy in the first newsletter distributed by the District to its members following formal adoption of the Policy. Each member shall have the responsibility of advising any contractor, employee, guest or other person using a bridge of the terms of this policy. This policy is effective upon its adoption by the Board of Directors of the District and actual notice or knowledge of this policy is not condition of its enforcement.

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