

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Transportation, Central Services Division

731

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

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RULE CAPTION

Rule for legislative intent regarding ODOT's relationship with Aviation

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: 731-003-0005

AMEND:

REPEAL: 731-003-0005 (Temp)

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619, chapter 630, OL 2011

Stat. Auth..

None

Other Authority

Chapter 630, OL 2011

Stats. Implemented

RULE SUMMARY

Enacted legislation stated that ODOT would need to adopt rules for the business processes identified. Adoption of rules for policies and procedures already in place in ODOT would be extensive for each business process related to financial transactions. ODOT uses a process where all divisions, which will include ODA, assist in development and review of these policies and procedures contained in the Financial Administration and Standards Manual (FASM).

ODOT needs a rule to provide Aviation and the public with guidance on what information Aviation must comply with. The rule also requires that ODOT's relationship with Aviation be guided by an intergovernmental agreement. This information is necessary for ODOT and Aviation to have a clear understanding of their working relationship and to enhance Aviation's ability to provide services to Oregonians. This rule replaces a temporary rule that became effective on September 30, 2011.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

February 21, 2012

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Lauri Kunze

Printed name

Date

* The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Transportation, Central Services Division
Agency and Division

731
Administrative Rules Chapter Number

In the Matter of the adoption of 731-003-0005

Rule Caption: Rule for legislative intent regarding ODOT's relationship with Aviation.

Statutory Authority: ORS 184.616, 184.619, chapter 630, OL 2011

Other Authority: None

Statutes Implemented: Chapter 630, OL 2011

Need for the Rule(s): Enacted legislation stated that ODOT would need to adopt rules for the business processes identified. Adoption of rules for policies and procedures already in place in ODOT would be extensive for each business process related to financial transactions. ODOT uses a process where all divisions, which will include ODA, assist in development and review of these policies and procedures contained in the Financial Administration and Standards Manual (FASM).

ODOT needs a rule to provide Aviation and the public with guidance on what information Aviation must comply with. The rule also requires that ODOT's relationship with Aviation be guided by an intergovernmental agreement. This information is necessary for ODOT and Aviation to have a clear understanding of their working relationship. Not having the rule jeopardizes the agencies' working relationship and Aviation's ability to provide services to Oregonians.

Documents Relied Upon and where they are available: None

Fiscal and Economic Impact, including Statement of Cost of Compliance: Any fiscal impact to the Department of Aviation or ODOT is the result of the legislation, not this rulemaking. The agency does not anticipate any cost impact for other state agencies, units of local government or the public.

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None
2. Cost of compliance effect on small business (ORS 183.336): None
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: None
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None
 - c. Equipment, supplies, labor and increased administration required for compliance: None

How were small businesses involved in the development of this rule? Small businesses were not involved in the development because compliance with the rule would not affect small business.

Administrative Rule Advisory Committee consulted?: No

If not, why?: An advisory committee was not needed as ODOT is adopting this rule to conform to the requirements of enacted legislation.

Authorized Signer

Lauri Kunze

Printed name

Date