

The Oregon Administrative Rules contain OARs filed through July 14, 2006

PARKS AND RECREATION DEPARTMENT

**DIVISION 9
OREGON RECREATION TRAILS**

736-009-0005

Oregon Recreation Trails -- Footpaths Only

The following trails are declared as Oregon Recreation Trails, as footpaths only, pursuant to the Recreation Trails System Act, [ORS 390.950](#) - [390.990](#):

- (1) Saddle Mountain Trail in Saddle Mountain State Park in Clatsop County (from the state park parking lot to the summit of Saddle Mountain, a distance of 3.0 miles).
- (2) Ecola Trail in Ecola State Park (from the state park parking lot at the end of West Point Road near Seaside to the south boundary of Ecola Park in four sections, totaling 8.6 miles).
- (3) Cape Falcon Trail (2.0 miles between Highway 101 and Cape Falcon); Short Sand Creek -- Necarney Creek Loop Trail (0.9 mile between Highway 101 and Short Sands Beach); and Neahkahnie Mountain Trail (1.0 mile to the summit of Neahkahnie Mountain from its south base in Oswald West State Park, a total distance of 3.9 miles).
- (4) Cape Lookout Trail in Cape Lookout State Park (from the picnic area to the tip of Cape Lookout in three sections, totaling 5.6 miles).
- (5) Cape Sebastian Oregon Recreation Trail in Cape Sebastian State Park in Curry County (one existing trail approximately two miles in length beginning at the parking area at the southern end of the access road from the Oregon Coast Highway to the southern end of the Cape overlooking Hunter Cove).
- (6) Humbug Mountain Oregon Recreation Trail in Humbug Mountain State Park in Curry County (approximately seven miles consisting of two segments of existing trail, one segment of the old coast highway and another segment partly on an old logging road and partly to be constructed).

Stat. Auth.: [ORS 390](#)

Stats. Implemented: [ORS 390.950](#) - [ORS 390.962](#)

Hist.: HC 1286, f. 12-19-72, ef. 1-1-73; 1 OTC 30, f. 7-5-74, ef. 7-25-74

736-009-0010

Oregon Recreation Trails -- Footpath, Bicycle

The following trails are declared as Oregon Recreation Trails as combination footpath and bicycle only, pursuant to the Recreation Trails System Act, [ORS 390.950](#) to [390.990](#):

- (1) The Forty Mile Loop Trail in Portland, Gresham, Milwaukie, Troutdale and unincorporated portions of Multnomah County a distance of approximately 140 miles.
- (2) The Willow Canyon Trail in Madras and Jefferson County from Buff School to Lake Simtustus a distance of approximately seven miles.

Stat. Auth.: [ORS 184](#) & [ORS 390](#)

Stats. Implemented: [ORS 390.950](#) - [ORS 390.962](#)

Hist.: PR 6-1987, f. & ef. 7-8-87; PR 1-1989, f. & cert. ef. 3-1-89

Hist.: PR 6-1987, f. & ef. 7-8-87; PR 1-1989, f. & cert. ef. 3-1-89

736-009-0015

Oregon Recreation Trails – Oregon Scenic Bikeways

(1) The purpose of OAR 736-009-0015 to OAR 736-009-0030 is to establish the procedures and criteria that the Scenic Bikeway Committee will use in recommending to the department the establishment and designation of Oregon Scenic Bikeways, pursuant to the Oregon Recreation Trails System Act, [ORS 390.950 to 390.989 and 390.995](#)

(2) The goals and objectives of the Oregon Scenic Bikeways Program are to:

(a) Provide safe, recreational, educational, and physically-varying bicycling opportunities on low-traffic count roads, bicycle lanes, and designated bicycle paths for the enjoyment and health of Oregonians and visitors;

(b) Manage Oregon Scenic Bikeways for long-term success;

(c) Preserve and enhance Oregon Scenic Bikeways;

(d) Provide links to tourist, scenic, historic, natural, cultural resources along Oregon Scenic Bikeways, attentive to the needs of the bicycling public for amenities along the bikeway; and

(e) Preserve and protect the natural landscape, scenic and historic features, and primitive character of any trail area.

(3) In furtherance of the goals and objectives established in section (2) of this rule, the department will:

(a) Follow the process and criteria for evaluating, designating, updating and maintaining Oregon Scenic Bikeways established in this division;

(b) Develop management strategies to preserve and enhance Oregon Scenic Bikeways;

(c) Create and provide public information resource materials on Oregon Scenic Bikeways; and

(d) Promote interest and support from local communities for creation, enhancement, and publicizing of local bike loops, trails, and recreation opportunities adjacent to or in close proximity to any Oregon Scenic Bikeway.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, ORS 390.959, ORS 390.962, ORS 390.968, ORS 390.971

Hist.:

736-009-0020

Definitions

For purposes of this division, unless the context requires otherwise:

- (1) "Agriculture/Forestry" means crops, wineries, vineyards, ranches, fisheries, orchards, nurseries, old-growth and reforested lands.
- (2) "Amenities" may include potable water, lodging, camping, restrooms, bike shops, equipment storage, restaurants and grocery stores.
- (3) "Committee" means the eleven-member Scenic Bikeway Committee appointed by the director to recommend the establishment and designation of Oregon Scenic Bikeways to the department.
- (4) "Department" means the Oregon Parks and Recreation Department.
- (5) "Director" means the Oregon Parks and Recreation Director appointed under ORS 390.127.
- (6) "Landform" means topography that becomes more interesting as it gets steeper or more massive, or more severely sculptured. Outstanding landforms may be monumental or artistic and subtle.
- (7) "Landscape" means a combination of outdoor, manmade, natural, and agricultural features within a view shed.
- (8) "Linear Route" means a route that progresses from a starting to an ending point. The beginning and end of a linear route do not meet, but may connect to another route or a destination point.
- (9) "Loop Route" means a route that starts and ends at the same location or connects to another cycling route that returns to the starting point.
- (10) "Natural Features" means non-manmade attractions including geologic formations, wildlife sites, waterfalls, lake basins, old-growth stands, and mountain meadows.
- (11) "Oregon Scenic Bikeway" means a route designated under this division as an Oregon Recreation Trail specifically for use by bicyclists under ORS 390.962.
- (12) "Path" means a paved trail along a road or an independent right-of-way used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers.
- (13) "Paved" means a hard surfaces such as concrete, asphalt cement concrete (A/C) or other stable bituminous surfaces.
- (14) "Proponent" means a group, organization, or individual who is in support of a proposed Oregon Scenic Bikeway.
- (15) "Public Land" means any lands owned or leased by the federal government, this state or any political subdivision therein.
- (16) "Oregon Recreation Trail" means a trail established and designated by the department pursuant to the Oregon Recreation Trails System Act.
- (17) "Route" means a combination of streets and paths used to travel to destinations or in corridors for transportation or recreation.
- (18) "Scenic" means an abundance and variety of aesthetically-pleasing manmade or natural elements along the route.
- (19) "Unique" means relatively rare or unusual as applied to a resource or combination of features within a geographic region.
- (20) "Vegetation" means forest, prairies, orchards, active farm cropland and tree farms with a variety of patterns, form and textures created by plant life, and small scale vegetation features that add striking and intriguing detail elements to the landscape.
- (21) "Water" means ocean, rivers, lakes, streams, waterfalls, rapids, marshes, estuaries, bays, canals and harbors that add movement or serenity to a scene, the degree to which water dominates the scene.

736-009-0025

Oregon Scenic Bikeways Committee

(1) The director shall appoint a Scenic Bikeways Committee composed of 11 members. The committee shall include one representative each from:

- (a) The department;

- (b) Oregon Tourism Commission (dba Travel Oregon)
- (c) Oregon Department of Transportation
- (d) A Federal Lands Manager (U.S. Forest Service or Bureau of Land Management)
- (e) Oregon Association of Convention and Visitors Bureaus;
- (f) Oregon Recreation Trails Advisory Council established pursuant to ORS 390.977;
- (g) Oregon Bicycle and Pedestrian Advisory Committee established pursuant to ORS 366.112;
- (h) Association of Oregon Counties;
- (i) League of Oregon Cities;
- (j) Representative of bicycle advocacy organization; and
- (k) Citizen Representative.

(2) Members may serve two consecutive four-year terms on the committee. However, the director shall appoint the first committee members following the effective date of this rule to serve a two, three, or four-year term.

(3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.

(4) The committee shall meet at times and places specified by the call of the director.

(5) A majority of the members of the committee constitutes a quorum for the transaction of business.

(6) Function and Duties of Scenic Bikeways Committee:

(a) The committee shall evaluate proposed Oregon Scenic Bikeways against the criteria provided in OAR 736-009-0030 and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2). The committee shall make a recommendation to the director on the application for the proposed Oregon Scenic Bikeway.

(b) The committee shall evaluate each Oregon Scenic Bikeway route at least once every five years. The department and Oregon Department of Transportation will provide the committee an inventory of the features of the route determined by riding a bike along the route. The committee may recommend that the department improve, remove, or reroute portions of a route no longer meeting the criteria for an Oregon Scenic Bikeway.

Stat. Auth.: [ORS 390.971\(8\)](#)

Stats. Implemented: [ORS 390.956](#), [ORS 390.959](#), [ORS 390.962](#), [ORS 390.968](#), [ORS 390.971](#)

736-009-0030

Establishing Oregon Scenic Bikeways

Pursuant to ORS 390.962(1), the department prescribes the criteria in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2), for the designation of Oregon Scenic Bikeways.

(1) Oregon Scenic Bikeways may be comprised of recreational trails, designated transportation corridors or a combination thereof. Oregon Scenic Bikeways may include trail sections that are located in or near existing rights of way for roads or highways.

(2) Oregon Scenic Bikeways may be linear, loop, or a combination of linear and loop routes that encompass national, statewide, or regional scenic resources and shall generally meet these criteria:

(a) Linear routes connect to each other and other designated routes to the extent possible.

(b) Linear routes should not be less than 40 miles in length.

(c) Loop routes encompass regional or local scenic, cultural or historic features.

(d) Scenic loop routes should be no less than five miles and should return the cyclist back to their point of origin.

(e) Scenic loop routes may be established as connections to existing linear Oregon Scenic Bikeways or may be established as Oregon Scenic Bikeways in and of themselves.

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Bikeway may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Evaluation of Applications

(a) To be considered as an Oregon Scenic Bikeway, a proponent must submit to the department a complete Oregon Scenic Bikeway Application form in the format specified by the department. The department will review an Oregon Scenic Bikeway proposal for completeness, including whether the application adequately addresses the considerations provided in ORS 390.965(2). A proponent must also include a detailed Route Management Plan. The department will provide all complete, eligible applications to the committee.

(b) The committee will consider routes for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(c) The committee shall conduct a field review of the proposed route, to include a review conducted on bicycles.

(d) The committee shall score the route against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and this rule, including but not limited to:

(A) emphasis on use of public lands,

(B) minimizing adverse effects on adjacent landowners,

(C) harmony with and complement to established forest, agricultural, or other use plans, and

(D) any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(e) Based on the application, field review and scoring the committee shall determine if the route qualifies to be recommended for designation as an Oregon Scenic Bikeway.

(f) If the committee does not recommend designating the route as an Oregon Scenic Bikeway, it shall provide comments and recommendations to the proponent. Unless the committee has provided no option to reapply, the proponent may reapply to the committee after addressing the recommendations.

(5) Designation Process:

(a) The committee shall provide each recommendation for designation as an Oregon Scenic Bikeway to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) The department will consult with the Oregon Recreational Trails Advisory Council as provided in ORS 390.977.

(d) After the public meetings required in subsection (b), the director shall either submit the committee's recommendation to the commission for approval or denial of the proposed Oregon Scenic Bikeway or request that the committee provide further consideration of issues presented in the public meeting.

(6) Cooperative Agreements. Once an Oregon Scenic Bikeway route has been established and designated in accordance with this rule, the department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to provide for development, signing, operation, maintenance, location or relocation of the trail as approved in the Route Management Plan.

(7) Signing and Publication of Oregon Scenic Bikeway Routes.

(a) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for all routes that the commission designates as an Oregon Scenic Bikeway.

(b) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Bikeways.

Stat. Auth.: [ORS 390.971\(8\)](#)

Stats. Implemented: [ORS 390.956](#), [ORS 390.959](#), [ORS 390.962](#), [ORS 390.968](#), [ORS 390.971](#)