

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
5-12-16 2:39 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon Department of Aviation  
Agency and Division

738

Administrative Rules Chapter Number

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**RULE CAPTION**

Rules to Establish the Aviation System Action Program (ASAP) Fund

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

**RULEMAKING ACTION**

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

**ADOPT:**

738-124-0010, 738-124-0015, 738-124-0020, 738-124-0025, 738-124-0030, 738-124-0035, 738-124-0040, 738-124-0045

**AMEND:**

**REPEAL:**

738-124-0010 temp, 738-124-0015 temp, 738-124-0020 temp, 738-124-0025 temp, 738-124-0030 temp, 738-124-0035 temp, 738-124-0040 temp, 738-124-0045 temp

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

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

**Statutory Authority:**

ORS 835.035, 835.040, 835.112, OL 2015 c.700, section 7(2)

**Other Authority:**

None

**Statutes Implemented:**

ORS 835.015, 835.025, 836.015, 836.070, 319.020, OL 2015 c. 700, sections 7 and 8

**RULE SUMMARY**

HB 2075 (2015) mandates the Department of Aviation (ODA) to adopt rules in order to administer financial assistance programs for aviation-related purposes throughout the State of Oregon funded by the fuels tax revenue derived from the Aviation System Action Program (ASAP) Fund. ODA has temporary rules in place to guide the overall program until permanent administrative rules can be adopted. The temporary rules will be in effect from 05/11/2016 through 11/04/2016.

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 negative economic impact of the rule on business.

<u>09-30-2016 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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Rules to Establish the Aviation System Action Program (ASAP) Fund

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

the adoption of OAR 738-124-0010, 738-124-0015, 738-124-0020, 738-124-0025, 738-124-0030, 738-124-0035, 738-124-0040, 738-124-0045

**Statutory Authority:**

ORS 835.035, 835.040, 835.112, OL 2015 c.700, section 7(2)

**Other Authority:**

None

**Statutes Implemented:**

ORS 835.015, 835.025, 836.015, 836.070, 319.020, OL 2015 c. 700, sections 7 and 8

**Need for the Rule(s):**

HB 2075 (2015) mandates the Department of Aviation (ODA) to adopt rules in order to administer financial assistance programs for aviation-related purposes throughout the State of Oregon funded by the fuels tax revenue derived from the Aviation System Action Program (ASAP) Fund. ODA has temporary rules in place to guide the overall program until permanent administrative rules can be adopted. The temporary rules will be in effect from 05/11/2016 through 11/04/2016.

**Documents Relied Upon, and where they are available:**

None

**Fiscal and Economic Impact:**

See statements below.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

Parties affected by the rules include public use airport owners and airport sponsors (both private and public), including Oregon municipalities as defined by ORS 836.005.

Applicants whose projects are selected to receive grant funding will economically benefit from the adoption of the rules. The proposed administrative rules will result in positive economic impact on Oregon businesses that provide services to airports, such as airport consultants, construction firms, etc. as well as positive economic impact on local airport sponsors and aviation businesses across the state by leveraging federal dollars and filling funding gaps for projects.

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

There are 97 public use airports in Oregon and numerous aviation-related businesses statewide. The cost of compliance will only be applicable to grant funding recipients and will be the matching fund requirement, which may vary and depend on the airport's category as listed in the current Oregon Aviation Plan.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

Grant recipients will need to maintain records of the progress of projects for which applications have been approved and any other information the board considers necessary for a comprehensive analysis that ODA will use in its reports to submit to the Legislature. Grant recipients will need to maintain records of project costs and submit reimbursement requests to ODA according to an agreed upon reimbursement schedule.

**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 of these rules because there is no impact to small businesses.

**Administrative Rule Advisory Committee consulted?:No**

**If not, why?:**

The temporary rules are to remain in effect from 05/11/2016 through 11/04/2016. During this time, the permanent rules will be open for public comment. A public hearing will be announced at a future date through a Notice of Proposed Rulemaking Hearing to be published in the Oregon Bulletin. In addition to formal public meetings, the Department Director and staff regularly communicate with interested parties about the upcoming rulemaking and solicit their feedback.

<u>09-30-2016 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address