

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

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ARCHIVES DIVISION
SECRETARY OF STATE

Parks and Recreation Department
Agency and Division

736
Administrative Rules Chapter Number

Amend Recreation Trail Rules - Scenic Bikeway Designation

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

In the Matter of:

Amendments to the Scenic Bikeway section of the Recreation Trails rules in OAR chapter 736, division 9

Statutory Authority:

ORS 390.971

Other Authority:

Statutes Implemented:

ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Need for the Rule(s):

Some of the Scenic Bikeway Committee members are staff at other agencies. The proposed rule would clarify that these members are nominated by the director of the agency the member is representing and then appointed by the OPRD director. The proposed rule removes the term limit on positions held by staff members. The proposed revisions also increase citizen participation and diversity on the committee by replacing the bicycle advocacy representative and the State Parks representative with two citizen members. This change increases citizen participation from one to three positions on the committee.

Other proposed changes are needed to improve the designation process, using the experience gained in designating the first 13 Scenic Bikeways. More specifically, proposed changes include: removing language that requires ODOT to provide an inventory of features on the route; adding language that requires State Parks provide a list of significant changes to routes that would diminish scenic values; removal of language on minimum mileage for loops and linear routes; addition of language allowing State Parks to call for applications periodically; clarification of language on the submission of management plans, making it clear that they are to be submitted during the designation phase; and clarification of the requirement that applications come before the Oregon Recreational Trails Advisory Council at a public meeting.

Documents Relied Upon, and where they are available:

The following documents were used in the revision process: "Bikeway Planning Guide", "Bikeway Criteria Evaluation Form", and "Bikeway Designation Process." They are available on the Oregon Parks and Recreation Department website on the Scenic Bikeways page.

Fiscal and Economic Impact:

In general, there is a positive impact on small business that support tourism and biking when a Scenic Bikeway is designated in local communities.

Statement of Cost of Compliance:

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

Impact on state agencies, the government, and the public as a result of these changes is minimal. There is a small perceived impact on the Oregon Tourism Commission (dba Travel Oregon), Oregon Department of Transportation and Federal lands management agency that appoint members to the committee as the directors of those agencies will be responsible for nominating representatives. The change could result in a small cost savings associated with communication time dedicated to these appointments.

There is also a small cost involved with attending meetings and participating on the committee, however these revisions only add two new citizen members. The other positions have been in place since the committee was formed. The committee meets on average six times a year for approximately six hours per meeting. This cost could impact the two newly added citizen representatives.

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:

The rules for Scenic Bikeways do not apply to small businesses.

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?

Business interests are currently represented on the Scenic Bikeway Committee and that committee assisted with these rule revisions.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

The proposed rules do not establish a new fee or process that would significantly increase costs on state, federal and local agencies, members of the public or small businesses. Therefore, the appointment of an Administrative Rule Advisory Committee for this effort was not deemed cost-effective. Instead, the agency opted for a more efficient process: consulting with the Scenic Bikeway Committee when creating this proposed rules revisions and allowing ample time for public comment to ensure its statement of fiscal impact is accurate.

<u>03-25-2016 5:00 p.m.</u>	<u>Claudia Ciobanu</u>	<u>claudia.i.ciobanu@oregon.gov</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address