

## Proposed Permanent Rules

ODA requests authorization from the Aviation Board to initiate a permanent rulemaking process that will allow ODA to establish a fee for aeronautical studies.

\***Bold and underlined** – text to be added\*

### 738-070-0160/Aeronautical Studies

(1) The Director, or designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.

(2) To the extent considered necessary, the Director, or designee, may take any or all of the following actions:

(a) Solicit comments from all interested persons;

(b) Explore objections to the proposal and attempt to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration;

(c) Examine possible revisions of the proposal that would eliminate the exceeding of the standards in OAR 738-070-0100; and

(d) Convene a meeting with all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.

**(3) The Director or designee may require a fee be paid to the Department to perform an aeronautical study or studies. The fee shall be paid by the sponsor or representative of the construction or alteration if the construction or alteration requires notice to the ODA per OAR 738-080-0060. As needed, the Director may adjust, reduce or waive the amount of the fee as the Director sees fit to support the operational costs of performing the aeronautical study or studies. The non-refundable fee for the aeronautical study or studies shall be administered as follows:**

**(a) The sponsor or representative of the construction or alteration shall notify the Director or designee of the construction or alteration in conformance with OAR 738-080-0080 to initiate the aeronautical study or studies.**

**(b) The fee for the aeronautical study or studies must be paid prior to delivery of the aeronautical determination or determinations by the Director or designee to the sponsor or representative.**

**(c) Fees are calculated for each separate instance for each sponsor or representative and are based on actual cost of services provided. Each individual aeronautical study shall have a minimum associated fee of \$100.**

(34) The Director, or designee, issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under OAR 738-070-0170.

(45) If the sponsor revises his proposal to eliminate exceeding of obstruction standards, or withdraws it, the Director, or designee, terminates the study and notifies all known interested persons.

(56) The FAA Handbook, Procedures for Handling Airspace Matters, may be used in arriving at the determination.

Statutory Authority: ORS 184, 835, 836

Statutes Implemented: ORS 836.530