

Request to Initiate Rulemaking

OAR 738-070-0160(3)(a-c)

Aeronautical Study Fees

Background: Senate Bill 38

- **Purpose of Senate Bill 38:** Approval of Senate Bill 38 authorized the Department of Aviation to adopt rules to establish a fee for aeronautical studies, as part of the Department's efforts to mitigate obstructions to air navigation.

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Staff Recommendation

- To implement Senate Bill 38, staff recommends *addition* of a new section to **OAR 738-070-0160 Aeronautical Studies** that describes the actions ODA may take to establish a fee for aeronautical studies.
- **Amendment to OAR:** None

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Why choose OAR 738-070-0160 Aeronautical Studies?

- **Question:** Why choose OAR 738-070-0160 Aeronautical Studies to establish aeronautical study fees?
- **Answer:** OAR 738-070-0160 describes the *actions* ODA may take to *conduct* an aeronautical study. Establishing a fee for an aeronautical study is an *action*.

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Proposed Permanent Rules

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

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- (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.

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- (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.
- *Please note: A policy document shall accompany OAR 738-070-0160(3)(a-c) to provide payment and application instructions for applicants. The policy document will be developed in a separate internal stakeholder meeting.

Tentative Rulemaking Timeline

OAR Chapter 738, Division 70 Rules

Next Steps

