

ODOT's Administrative Rulemaking Process Overview

Authority

An agency may adopt, amend or repeal rules only when given constitutional or statutory authority to do so. ODOT's general rulemaking authority is found in [ORS 184.619](#). In addition, specific statutory authority may be given to ODOT through other statutes or legislative bills, directing the agency to make rules on a particular subject.

Definition

A rule is defined in statute as "any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy" or that describes the agency procedure or practice requirements. An administrative rule has the full force and effect of law.

Rulemaking Procedure

All agencies must follow the [Administrative Procedures Act](#) (a set of statutes found in ORS 183.325 – 183.410), the Attorney General's Model Rules to the extent ODOT has adopted them, and any other ODOT rules on rulemaking ([731-001-0000](#)).

The Role of the Rule Advisory Committee (RAC)

A rule advisory committee's purpose is to provide feedback to ODOT on the rule(s) as drafted and the anticipated fiscal and equity impact (positive or negative) the rules may have on the committee member's peer group or community represented. Equity must be prioritized as part of the input. If members believe the rules will have a significant adverse fiscal or equity impact, the agency will seek the committee's recommendations on mitigating the impacts.

ODOT's Role

ODOT will consider the committee input. Consensus or voting on proposed rules is not required. Proposed rules are approved and adopted by the Oregon Transportation Commission (OTC).

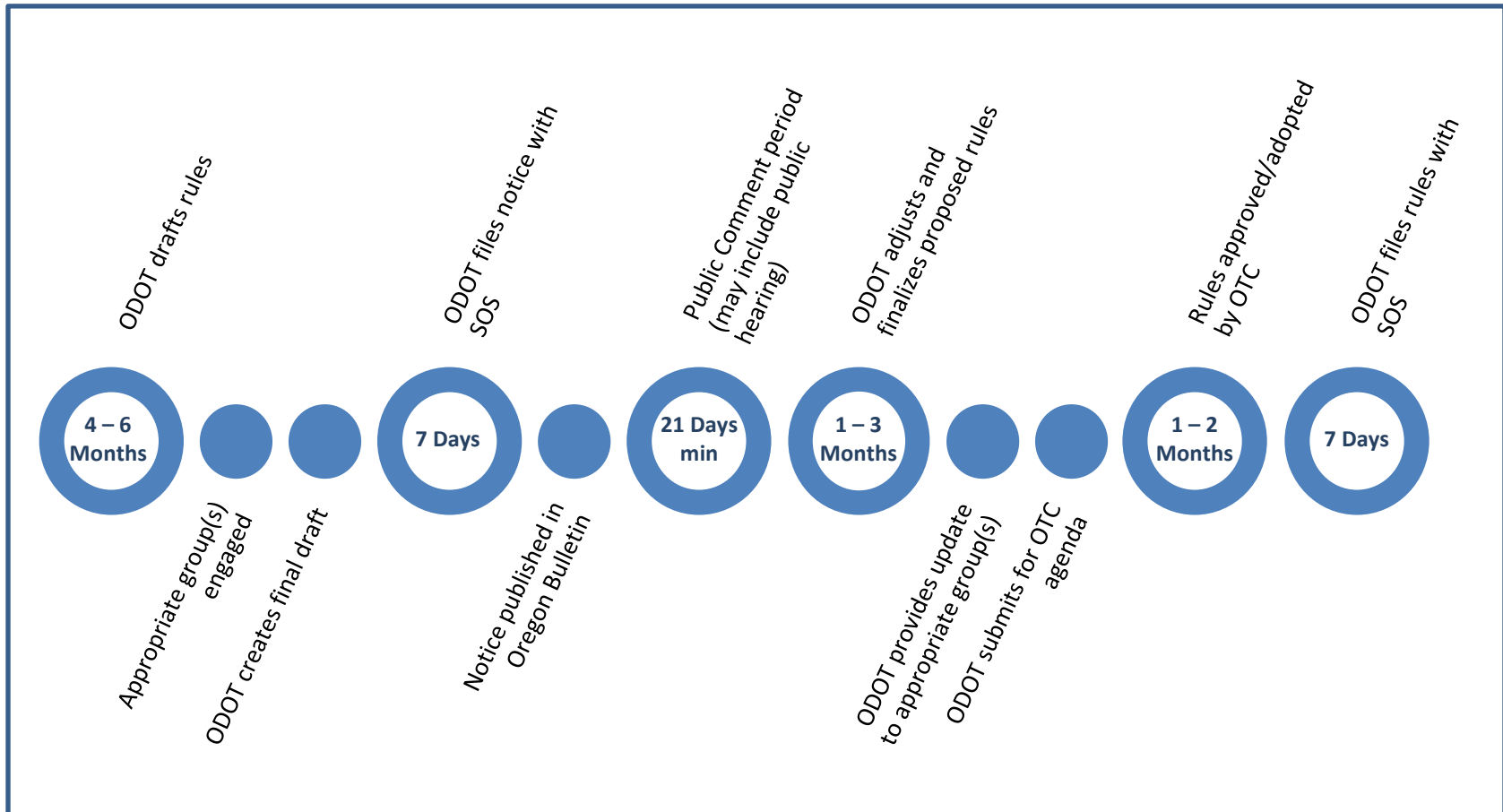
Timeline

A RAC is convened and must finish its work before the agency files a Notice of Proposed Rulemaking with the Secretary of State (SOS).

RAC input on draft rules	Generally 4 – 6 months
Agency files notice with SOS	Prior to the last business day of the month
Notice published in <i>Oregon Bulletin</i>	First day of the following month
Public comment period opens	First of the month, with <i>Oregon Bulletin</i> publication
Public hearing (not required)	Between the 15 th and 21 st day of the month
Public comment period closes	Minimum of 21 days; no maximum
Rules submitted for OTC agenda	Approximately four weeks prior to meeting
Rules approved by OTC	Authorizes the finalization of rule filing
Rules filed with SOS	Upon approval by staff with signature authority. Rules may be effective upon filing or at a specified future date.

ODOT Administrative Rulemaking Process - General Timelines

(approximately 7 – 12 months)



Note: these are general timelines. Each rulemaking process is different, depending on the subject matter – some processes are simple and can be completed more quickly while others are complex and may take significantly longer.