

Oregon Recreation Trails Designation Program Handbook



**Oregon Scenic
Trails**



**Oregon Regional
Trails**



Nature
HISTORY
Discovery

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Oregon Recreation Trails Designation Program Handbook

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THE OREGON RECREATION TRAILS DESIGNATION PROGRAM

Introduction

Oregon has an international reputation for exceptional scenic beauty and excellent outdoor recreation opportunities. An extensive, statewide network of scenic trails showcases and provides access to Oregon's outstanding natural features including rivers, mountains, waterfalls, and the Pacific Ocean. Oregon's regional trails connect recreation sites, schools and services, provide alternative transportation routes and also highlight the state's natural beauty.

The Oregon Recreation Trails Advisory Council (ORTAC) invites trail proponents to join in the vision of a statewide system of designated Scenic and Regional Trails that will showcase exceptional trail experiences. This handbook serves as a guide for the Oregon Recreation Trails Designation Program (Program).

What is an Oregon Scenic Trail?

An Oregon Scenic Trail is a non-motorized trail that provides access to outstanding scenery and lasting memories for users. Those routes chosen for Oregon Scenic Trail designation provide access to national, state or regional scenic resources of superlative quality and splendor and articulate the essence of what is "Oregon". They may be a single trail or combination of trails, over one mile in length, and must be open to the public and substantially complete. Scenic Trails lie on public lands or public rights-of-way or easements.



What is an Oregon Regional Trail?

Oregon Regional Trails are non-motorized trails that provide close-to-home recreation opportunities while connecting communities, recreation sites, schools and other destinations and/or to other significant trails. Regional trails are over five miles in length, open to the public, substantially complete, and lie on public lands or public rights-of-way or easements.



Why seek Oregon Scenic or Regional Trail designation?

The trails receiving state Scenic and Regional designation:

- are identified as among the elite Oregon trail experiences;
- display iconic signage indicating the state designation and status;
- receive enhanced marketing and promotion by OPRD and other entities;
- increase awareness of trail for tourism, fundraising and volunteer recruitment;
- provide economic stimulus for local communities; and/or
- may be eligible for additional points in various grant programs scoring criteria.

Background

The Oregon Recreation Trails Program is pursuant to the 1971 Recreation Trails System Act (“Trails Act”). The Trails Act recognizes that in order to provide for the ever-increasing outdoor recreation needs of an expanding resident and tourist population, and in order to promote public access to, travel within and enjoyment and appreciation of outstanding outdoor areas of Oregon, trails should be established both near urban areas and within, adjacent to or connecting highly scenic areas more remotely located. The purpose of the Oregon Recreation Trails Program is to provide the means for attaining these objectives by instituting a system of recreation trails and prescribing the methods and standards according by which certain trails may be designated as components of the system.

The Trails Act also created the ORTAC. ORTAC recommends the designation of state significant trails in order to highlight and celebrate the best scenic and urban trail experiences in Oregon. ORTAC consists of seven members; at least one from each congressional district, and not less than two members from separate counties bordering the ocean shore. Council members are appointed by the Oregon Parks and Recreation Commission and serve four-year terms.

The 2008-2012 Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the Oregon Trails 2005-2014: A Statewide Action Plan (Trails Plan) identifies strong public demand for expanded and interconnected non-motorized recreation trail systems. In addition, OPRD’s strategic planning document, Centennial Horizon, includes goals and strategies that address the growing need for high-quality trail experiences in Oregon. Centennial Horizon includes a strategy to *“Directly and indirectly create an interconnected system of bicycle, hiking and water trails to position Oregon as a top trails state in the U.S. Promot(ing) a system of trails and waterways that connect communities, recreation areas, and significant landscapes . . .”* and is listed as a Target 2014 strategy. Together, these core OPRD planning documents provide additional support for designating Oregon Scenic and Regional Trails.

In 2009 the Oregon Parks and Recreation Department (OPRD) amended and adopted the administrative rules that govern the Oregon Recreation Trails Program, including the designation of State Scenic and Regional Trails. The rules, OAR 736-009-0005 through 736-009-0030, lay out procedures and criteria for the designation of Scenic and Regional Trails and set basic goals and objectives for the program. OPRD has developed this handbook to encourage proponents to apply for and assist in the process of achieving Oregon Recreation Trail designation.

Goals and Objectives

The objectives of the Oregon Recreation Trails Program are to:

- Create a statewide system of designated trails that will showcase Oregon's outstanding scenic features and significant regional routes;
- Identify trails that offer access to a variety of quintessential Oregon scenery;
- Recognize close-to-home trails that make significant connections within local areas and between communities;
- Provide a variety of recreational challenges for trail users;
- Foster strong grassroots support for Oregon Recreation Trails designation;
- Nurture proponent groups that will develop, sustain and advocate for high quality trails and outstanding trail experiences;
- Benefit local communities;
- Support access to current, readily available information for trail users; and
- Compliment, support, and strengthen other trail and outdoor initiatives developed under private, local, state, regional, and federal auspices.

Roles in the Designation Process

There are three main parties involved in the process of proposing a Scenic or Regional Trail:

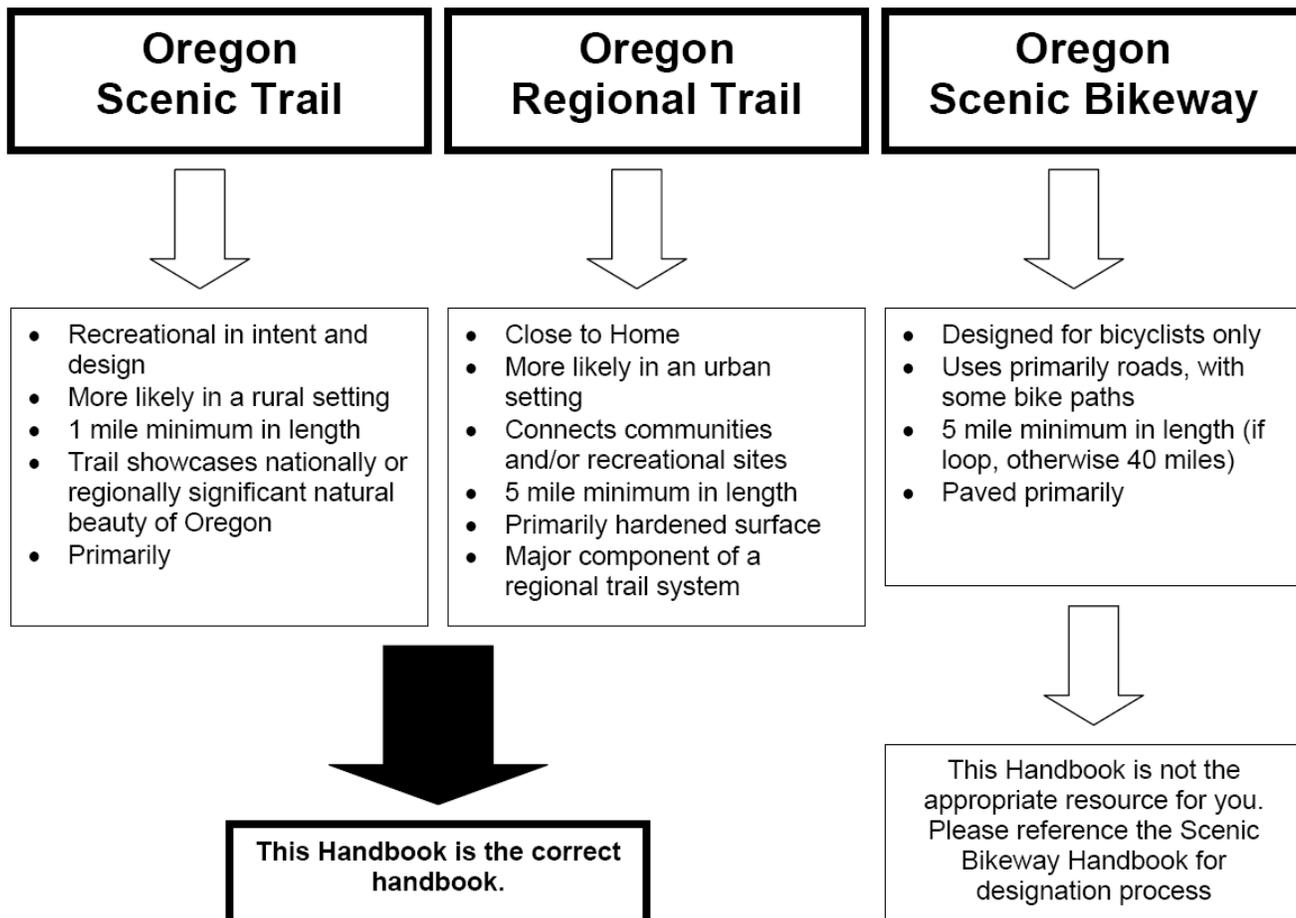
The Proponent: Proponents can be individuals, a loosely organized group, or a formal organization. Proponent is the lead promoter of the Scenic or Regional Trail and is responsible for coordinating development of a Management Plan for the Trail. Proponent submits an application and consults with OPRD prior to the application submittal and during the initial review. If the proposal is advanced, Proponent then has the responsibility for preparing and submitting a Trail Management Plan.

OPRD: OPRD staff is responsible for management of the Program and serves as the principle liaison between Proponents and ORTAC.

ORTAC: ORTAC reviews applications. Proponent's trail designation will either be recommended to the Oregon Parks and Recreation Commission for adoption or the application will be returned to Proponent with comment.

The Designation Process

Step 1: What Designation is right for the trail?



Step 2: Proposal

Proponents complete the application for designation as an Oregon Scenic or Regional Trail and submit it to the OPRD State Trails Coordinator (Coordinator). Proposals are accepted annually between October 1 and November 30.

A complete application will include:

- Application form
- Consent of land owners/managers
- Letters of support
- Maps
- Jurisdictional compliance

NOTE: Land Use Compatibility Statement (LUCS) is a document that shows the existing trail is compatible with the applicant's local land use regulations and has received local land use approval. The project should be identified within a comprehensive plan or a capital improvement plan. Proponents are strongly encouraged to develop project applications that meet high priority needs within the comprehensive plan or the capital improvement plan. The assessment of these needs should be based upon coordinated, long-range planning. Proponents should detail the extent to which the project will satisfy priority needs, as identified in an adopted comprehensive local plan or recreation/park master plan, county or regional master plan, trail system plan, management plan, forest or resource plan or a regional trails planning forum process. The adopted plan must clearly include and support the proposed trail project. The local planning document shall be adopted/approved by the applicable governing body.

Step 3: Review/Consultation

Coordinator reviews the proposal and confers with Proponent to identify strengths and address weaknesses of the application. Based on this review, Coordinator may either forward the application to ORTAC, or determine that it is not ready to advance. If it is not advanced, the Coordinator will provide written feedback, based on the approval criteria, to Proponent and advise ORTAC.

At the point application is forwarded to ORTAC by Coordinator, Proponent will have an opportunity to make a presentation to the Council. ORTAC will then recommend or deny advancement of application to the assessment phase. If it is not advanced, ORTAC will provide written feedback, based on the approval criteria, to Proponent.

Step 4: Trail Assessment

Upon advancement of the application, a sub-committee or designee will assess the route, using the established rating criteria, and present its findings to ORTAC. The rating criteria include a variety of factors related to the trail design, trail condition and trail setting. The criteria are available in **Appendix B: Trail Assessment Criteria**.

ORTAC will inform Proponent of the application status within six months of receiving the proposal. The assessment process may take longer if the proposal requires extensive review and consultation, or if the proposed trail is inaccessible during portions of the year.

Based on the application and the assessment report, ORTAC will either notify Proponent to proceed with development of the Trail Management Plan or refer application back to Proponent with comments.

Step 5: Trail Management Plan Preparation

Upon notification Proponent will draft a Trail Management Plan for ORTAC review. Plans will vary due to differing trail qualities and local goals, but each one should follow the prescribed process and include the following information:

Part 1 – Complete Application with Notice to Proceed

Part 2 – Public notification and stakeholder involvement

Who to notify:

- Public agencies
- Citizen advocacy groups
- Individual and affected landowners
- User groups

Forums for public involvement:

- Public meetings/Open houses
- Brainstorming sessions
- Focus groups and Workshops
- Surveys
- Peer roundtable

Methods of notification:

- All forms of Media
 - Electronic
 - Print
 - Broadcast
 - Social
- Outreach
- Direct mailing
- Meeting documentation
- Word-of-mouth

Part 3 – Trail facility review

- Inventory of existing conditions
- Trail
- Support facilities (trailheads/access points, parking, restrooms, water, etc.)
- Signage
- Future needs assessment
- Existing plans review
- Planned improvements, trail standards
- Ongoing stakeholder involvement

Part 4 – Management, maintenance and monitoring

- Roles of Public Land Managers, Proponent and others
- Coordination of Trail Maintenance
- Coordination of Trail Management
- Intergovernmental Agreements (IGA's)
- Memorandums of Understanding (MOU's)
- Monitoring trail and support facility conditions, adjacent land use, level of use

Coordinator and ORTAC will provide advice and assistance to Proponent during development of the Management Plan. ORTAC may withdraw an application from active consideration if Proponent fails to make timely progress toward completion of the Plan.

Step 6: Plan Review

Completed Management Plan will be forwarded to ORTAC for review. ORTAC may accept the Plan as submitted or recommend changes. Upon ORTAC approval of the Plan, the Application will advance to the next step. If the Plan is not approved, ORTAC will provide the Proponent with specific written feedback for improvement. Revised Plans may be submitted to ORTAC for review.

Step 7: Public Hearing and Recommendation

Following approval of the Management Plan, ORTAC will conduct a public hearing at one of its regularly scheduled meetings. ORTAC will then forward a recommendation to the OPRD Director.

Step 8: Designation

Upon advancement by ORTAC for Oregon State Trail status, the application will be forwarded to the Director. The Director may request that issues raised during the public hearing be addressed prior to submittal to the Oregon Parks and Recreation Commission. The Director will then present a formal recommendation to the Commission for final designation.

Step 9: Implementation and Review

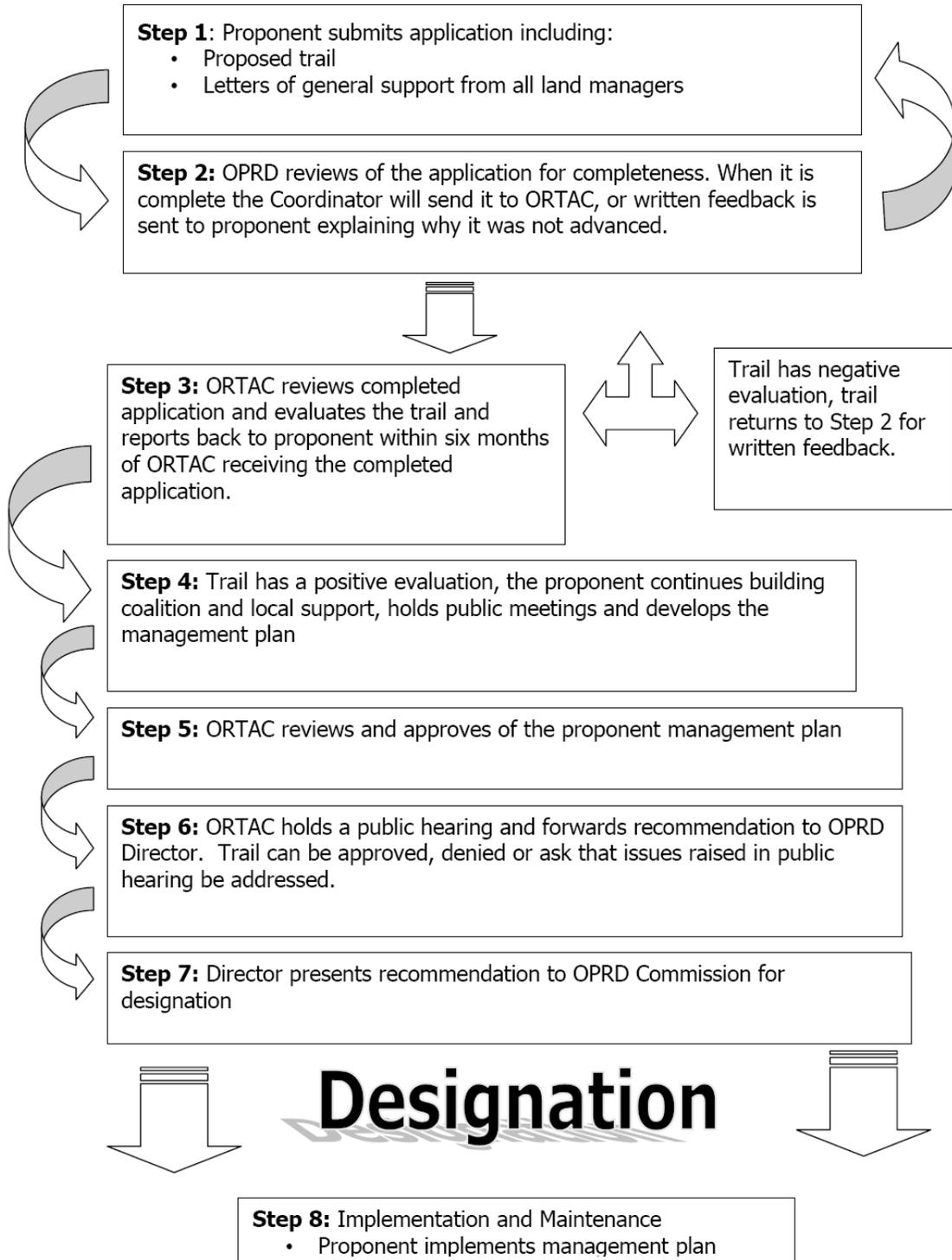
Once Trail designation is awarded, Proponent's focus will shift to implementing the Management Plan. Steps include: obtaining and installing route signs, initiating marketing efforts, and maintaining or improving trail and facility conditions. Coordinator is an ongoing resource during the implementation phase.

Upon designation, OPRD will require the Proponent to enter into an agreement that will address the role of the Proponent, responsibilities of the Proponent and responsibilities of OPRD.

The administrative rule establishing State Trails calls for a 5-year review of each designated route. Coordinator will initiate this review process with each Proponent as required.

Changing conditions may require either revision of the Plan and/or a rerouting of the Trail. ORTAC will address substantial revisions using the designation process described above.

DESIGNATION FLOW CHART



Appendix A: Designation Application Form

<h2 style="margin: 0;">Oregon Recreation Trail - Designation Proposal Form</h2>	
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Submit Proposal to:

State Trails Coordinator
 Oregon Parks and Recreation Department
 725 Summer St. NE Salem OR 97301
rocky.houston@state.or.us
 503-986-0750

Proposals Accepted:

October 1st - November 30th

Instructions: Please complete this form in its entirety. Once completed, attach all necessary documents and submit the proposal as stated above. Please contact Coordinator with any questions you may have with this proposal.

Proponent:		
Primary Contact Name and Title:		
Telephone:	Fax:	Email:
Secondary Contact Name and Title:		
Telephone:	Fax:	Email:
Address:		Fed ID #
City:	State:	Zip:
Trail Termini:	U.S. Congressional District:	
County(ies):	Oregon Legislative Districts: (H) (S)	
USGS Quad _____ Township _____	Range _____ Section _____	

Land Manager Approval

Land Manager Approval must be submitted by each of the jurisdictional agencies and attached to this Application to ensure all affected land managers are aware of the proposal. Land Managers may have additional requirements Proponent will need to address prior to submitting the Application.

Land Manager	Contact	Phone

Certification

I certify that I have reviewed and understand the proposal process, the trail management plan development process and the responsibilities of a proponent group. I certify that I will comply with the Oregon Revised Statute(s) and Oregon Administrative Rule(s) governing Oregon Recreation Trails, Public Meetings and Public Hearings.

Proponent Signature:

Print Name:

Proponent Signature:

Print Name:

Appendix B: Trails Rating Process and Criteria

Trails proposed for Scenic or Regional designations are scored against a set of standards and criteria, not by comparison to one another. ORTAC evaluates Oregon Recreation Trail proposals through a process that includes the following:

- A preliminary review by OPRD staff of Proponent's application for completeness;
- Proponent application presented for ORTAC review, discussion and recommendation;
- A field visit and assessment conducted by an ORTAC subcommittee or designee;
- ORTAC review and discussion of the Proponent's application and the field assessment; and
- ORTAC direction to proceed with development of a Trail Management Plan or referral of application back to Proponent with comments.

Scenic Trails Criteria

All trails considered for Scenic Trail designation will provide access to outstanding scenic features that showcase quintessential Oregon natural or built landscapes. Three groups of characteristics are taken into account in the rating criteria: Trail Design, Trail Condition, and Trail Setting (includes scenic qualities). Characteristics are assessed on a five-point scale, with a score of five for the most desirable experience, and a score of one for the least.

1. Trail Design:

Trail Design is the summation of all design elements that result in the constructed trail and its interaction with the environment.

- Scenic trails are one mile or more in length and provide access to significant scenic features.
- The trailhead is readily accessible and has adequate parking.
- Signage – focus on comprehensive trail sign plan.
 - a. Trailhead is well signed.
 - b. Trail has adequate wayfinding and reassurance markings.
 - c. Accessibility information: Cross-slope, grade, barriers, etc.

- Route optimizes scenic viewing opportunities.
- Sustainable design: Location and design minimize future maintenance issues, reduce erosion and fit within the landscape.
 - a. Slope: Follows contours; trail slope and grade are compatible with soil type.
 - b. Tread: Surface and width match user type and volume.
 - c. Drainage: Is appropriately out-sloped; Makes use of grade reversals, sheet flow concepts or knicks to deal with water.
- Meets appropriate accessibility standards.
- Minimizes potential user conflicts.

2. Trail Condition:

- Tread: Should be in good condition, free from debris, slough, wet muddy areas and tread failure.
- Drainage: Adequate grade reversals or other water management techniques to move water off trail quickly; well-maintained drainage structures functioning appropriately; and no evidence of water sheeting across trail
- Structures: Bridges, turnpikes, retaining walls, boardwalks, structurally sound and properly maintained.
- Vegetation management: Trail free of windfall and other debris; clearances (height, width) consistent with the trail design and sufficient for users.
- Signage: Trailhead sign in place, wayfinding signs at intersections and key locations in place, and signs in logical locations and easily seen by users.
- Trailhead: Trailhead parking, signage, and access well maintained.

3. Trail Setting:

Trail setting is the underlying attraction of the trail and takes in all the visual, auditory, tactile and olfactory elements of the trail experience.

- Quintessential Oregon landscapes: Have achieved international, national or regional significance; are easily identified as being “Oregon” when viewed.

- Landforms/Features: Route offers multiple opportunities for viewing natural qualities with a high degree of variation, strong contrast, unique shapes, dramatic settings, and unusual combinations of interesting landforms, color, vegetation, wildlife, bodies of water, etc.
- Historic or unique built features, skylines: Route offers multiple opportunities to view, visit, and/or experience a variety of points of interest such as buildings, structures, objects, sites, whole districts or expansive agricultural landscapes.
- Native vegetation: Opportunities for viewing unique vegetative stands.
- Water features: Route offers multiple opportunities for viewing bodies of water, waterfalls, rapids or other scenic water features.
- Unique lighting and/or color: e.g. sunrise, sunset, landscape, rock formations, and views.
- Level of viewscape interruption or disturbance (negative points): Route offers an engaging variety of sensory experiences including a mix of pleasant sounds, odors and tactile opportunities.

Regional Trails Criteria

Trails considered for Regional Trail designation will provide connectivity and close-to-home recreational opportunities. Three groups of characteristics are taken into account in the rating criteria: Trail Design, Trail Condition, and Trail Setting. Characteristics are assessed on a five-point scale, with a score of five for the most desirable experience, and a score of one for the least.

1. Trail Design:

Trail Design is the summation of all design elements that result in the constructed trail and its interaction with the environment.

- Regional trails are five miles or more in length and provide convenient connections to residential and commercial neighborhoods, parks, scenic areas, other trail networks, and other significant destinations.
- Multiple points of access are provided.
- Trailheads are readily accessible and have adequate parking.
- Evidence of a comprehensive sign plan.
- Route provides scenic views where opportunities arise.

- Sustainable design: Location and design minimize future maintenance issues, reduce erosion and fit within the landscape.
 - a. Slope: Follows contours; trail slope and grade are compatible with soil type.
 - b. Tread: Surface and width match user type and volume.
 - c. Drainage: Is appropriately out-sloped; Makes use of grade reversals, sheet flow concepts or knicks to deal with water.
- Meets appropriate accessibility standards.
- Minimizes potential user conflicts.

2. Trail Conditions:

- Surface: tread should be in good condition, free from debris, slough, wet muddy areas and tread failure.
- Outlaw Trails: minimal evidence of user-created social (outlaw) trails.
- Drainage: adequately functioning drainage structures; little evidence of water damage and/or erosion.
- Structures: bridges, turnpikes, retaining walls, boardwalks are sound and properly maintained.
- Vegetation management: trail free of windfall and other debris, clearances (height, width) consistent with trail design and minimum standards.
- Signage: Sign plan implemented; trailhead, access and wayfinding signs appropriately located and adequately maintained.

3. Trail Setting:

Trail setting is the underlying attraction of the trail and takes in all the visual, auditory, tactile and olfactory elements of the trail experience.

- Is a major component of the local trail system.
- Provides close-to-home recreation opportunities for significant numbers of users.
- Provides connections to other trail systems, nearby communities, and significant destinations.
- Proximity to significant population centers.
- Takes advantage of historic or unique built features.

Existing Trail Designations

Periodic Review of State Designation

All trails designated through OPRD for State Trail status are subject to a five-year review. Review is required regardless of whether designation was made prior to or following 2009 OAR revision. The review process will be implemented by the Coordinator and may be staggered to allow for a reasonable annual workload. Review will be conducted by ORTAC sub-committee or designee.

1. Following review, ORTAC will inform Proponent and OPRD of one of the following recommendations:
 - a. Continue State Trail status with no changes;
 - b. Revise Management Plan to address Trail changes;
 - c. Reroute Trail to address significant alignment concerns; or
 - d. Withdraw State Trail status.

Other Trail Designations

Trails featuring other designations (e.g. National Scenic Trails, National Historic Trails, National Recreation Trails) maintain that status independent of the Oregon State Trails designation process. Proponents have the opportunity to apply for Oregon State Trail status via the process detailed in this handbook.

Appendix C: Oregon Revised Statute

RECREATION TRAILS

390.950 Short title. ORS 390.950 to 390.989 and 390.995 (2) may be cited as the Oregon Recreation Trails System Act. [1971 c.614 §1]

390.953 [1971 c.614 §2; 1989 c.904 §27; repealed by 2001 c.104 §134]

390.956 Policy. (1) In order to provide for the ever-increasing outdoor recreation needs of an expanding resident and tourist population and in order to promote public access to, travel within and enjoyment and appreciation of, the open-air, outdoor areas of Oregon, trails should be established both near the urban areas of this state and within, adjacent to or connecting highly scenic areas more remotely located.

(2) The purpose of ORS 390.950 to 390.989 and 390.995 (2) is to provide the means for attaining these objectives by instituting a system of recreation trails in this state, by designating certain trails as the initial components of that system, and by prescribing the methods of which, and standards according to which, additional components may be added to the system. [1971 c.614 §3]

390.959 Composition of trails system; establishment of markers. The system of Oregon recreation trails shall be composed of trails established as provided in ORS 390.962 and 390.965. The State Parks and Recreation Department, in consultation with appropriate federal, state and local governmental agencies and public and private organizations, shall establish a uniform marker for the system of Oregon recreation trails. [1971 c.614 §4]

390.962 Criteria for establishing trails; location; statutes authorizing trails for motorized vehicles unaffected. (1) Upon finding that such trails will meet the criteria established in ORS 390.950 to 390.989 and 390.995 (2) and such supplementary criteria as the State Parks and Recreation Department may prescribe, the department is encouraged and empowered to establish and designate Oregon recreation trails:

(a) Over lands owned by the State of Oregon, by the federal government or by any county, municipality or other local governmental body, with the consent of the state agency, federal agency, county, municipality or other local governmental body having jurisdiction over the lands involved; or

(b) Over lands owned by private persons, in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995 (2).

(2) In establishing such trails, the department shall give special recognition to the need for the establishment of recreation trails in or near, or reasonably accessible to, urban areas. Upon the establishment of any such trail, the department shall designate the primary kind of trail it is to be, based upon the mode or modes of travel to be permitted on such trail, including one or more of the following:

(a) Footpath.

(b) Horseback riding trail.

(c) Bicycle path.

(3) Nothing in ORS 390.950 to 390.989 and 390.995 (2) affects any other statute authorizing trails for motorized vehicles which is not inconsistent with ORS 390.950 to 390.989 and 390.995 (2). [1971 c.614 §5]

390.965 Hearing required; information to be considered. (1) The State Parks and Recreation Department may establish trails after public meetings in the areas of the state where trails are planned and only in accordance with the following criteria:

(a) Emphasis shall be given to the development of trails across public lands.

(b) No trails shall cross private land occupied by a residential dwelling, or upon which a residential dwelling is under construction, within 300 feet of such residential dwelling, without the consent of the owner.

(c) Trails shall be selected to minimize the adverse effects on adjacent landowners or users and their operations.

(d) Development and management of trails shall be designed to harmonize with and complement any established forest, agricultural, or other use plan that is compatible with the purposes of ORS 390.950 to 390.989 and 390.995 (2).

(2) Before establishing a trail the department shall consider at a public meeting the following information:

(a) The proposed route of such trail (including maps and illustrations) and the recommended mode or modes of travel to be permitted thereon;

(b) The areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural or developmental purposes;

(c) The characteristics that, in the judgment of the department, make the proposed trail suitable as an Oregon recreation trail;

(d) The current status of land ownership and current and potential use along the designated route;

(e) The estimated cost of acquisition of lands or interest in lands, if any;

(f) The plans for developing and maintaining the trail and the cost thereof;

(g) Any anticipated problems of policing the use of such trail and any anticipated hazards to the use of any privately owned lands adjacent to such trail; and

(h) The extent to which the state or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof. [1971 c.614 §6]

390.968 Selection of rights of way for trails. (1) The State Parks and Recreation Department shall select the rights of way for trails designated as Oregon Recreation Trails by ORS 390.962 (1)(a) and (b). Such rights of way shall be:

(a) Of sufficient width and so located as to protect natural conditions, scenic and historic features, and any primitive character of the trail area; to provide campsites, shelters, and related public-use facilities along trails in more remote areas; and to provide reasonable public access.

(b) Located to avoid, in so far as reasonably practicable, established highways, motor roads, mining areas, power transmission lines, existing commercial and industrial developments, range fences and improvements, private logging operations, and any other activities that would be incompatible with the protection of the trailside environment in its natural condition and the use of the trail for outdoor recreation.

(2) Notwithstanding subsection (1) of this section, it is recognized that in many instances (especially in urban areas and for some types of trails across or near private land) it may be advisable to locate segments of trails in or near existing rights of way for roads, highways, public utilities or telecommunications utilities, excluding power transmission lines; and it is recognized that trail rights of way on occasion may be located, or from time to time relocated, through, or adjacent to, lands used for private timber (including logging), agriculture, commercial or industrial operations and that such location or relocation of a trail right of way, of itself, shall not impose any limitation upon an otherwise lawful use of the adjacent private land except to the extent of the terms of any agreement with the private landowner as provided in ORS 390.971 (1) and except as may be provided by any zoning ordinance, law or regulation.

(3) The location and width of an Oregon recreation trail right of way across federal lands under the jurisdiction of a federal agency shall be by agreement between that agency and the department.

(4) In selecting a right of way, the department shall endeavor to obtain the advice and assistance of the local governments, private organizations, landowners, the land users concerned, and the advisory council established under ORS 390.977.

(5) The department shall hold a public hearing in the area of the state where the selection of such right of way is to be made. Subject to ORS 390.971, after public hearing, the department may revise the location and width of a right of way from time to time as required by circumstances, with the consent of the head of any federal agency involved, and with such advice and assistance of the local governments, private organizations, landowners, land users, and the advisory council, as the department considers necessary or advisable. [1971 c.614 §7; 1987 c.447 §124]

390.971 Department duties and powers; rules. (1) Within the exterior boundaries of areas under its administration that are included in the right of way selected for an Oregon recreation trail as provided in ORS 390.950 to 390.989 and 390.995 (2), the State Parks and Recreation Department may do any of the following:

(a) Enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals in order to provide for the development, operation, maintenance, location and relocation of the trail. Where the trail crosses commercial forestland, such agreement shall make reasonable provision for temporary relocation reasonably required for commercial forest management.

(b) Subject to limitations set forth in ORS 390.950 to 390.989 and 390.995 (2), acquire lands or interests in lands by donation, purchase with donated or appropriated funds or exchange, or with funds obtained under ORS 390.980.

(2) The department, in the exercise of its exchange authority, may accept title to any non state-owned property within a trail right of way, and, in exchange therefor, the department may convey to the grantor of such property any state-owned property under its jurisdiction or the jurisdiction of any state agency consenting to such exchange that the department or the applicable consenting state agency classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the department or applicable consenting state agency as the circumstances require.

(3) If lands included in an Oregon recreation trail right of way are outside the exterior boundaries of state or federally administered areas, the department shall attempt, and any local governments involved shall be encouraged, to enter into written cooperative agreements with landowners, local government, private organizations and individuals in order to develop, administer and maintain the trails and to acquire, develop and administer such lands or interests therein. However, if the department or local governments fail or are unable to enter into such agreements or to acquire such lands or interests therein within one year after the selection of the right of way, the department may acquire private lands or interests therein by donation, exchange or purchase with donated or appropriated funds and may develop and administer such lands or interests therein. Exchanges shall be governed by the provisions of subsection (2) of this section.

(4) Oregon recreation trails shall be administered, protected, developed and maintained by the department, or as provided under subsection (1)(a) of this section, to retain their natural, scenic and historic features. Along trails in more remote areas, provision may be made for campsites, shelters and related public-use facilities. Other uses, including reasonable crossings for motor vehicles, public utilities and water pipes and ditches, that will not substantially interfere with the nature and purposes of the trails may be permitted or authorized, as appropriate. The use of motorized vehicles by the general public along any such Oregon recreation trail is prohibited. However, the department shall authorize the use of motorized vehicles when, in its judgment, such vehicles are necessary to meet emergencies, trail construction and maintenance needs or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights. The fact that private lands are included in an Oregon recreation trail by cooperative agreement of a landowner does not preclude the owner of such lands or agents of the owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with such agreement. Except to the extent otherwise provided by law, the state laws, rules and regulations applicable to lands or areas included in any Oregon recreation trail shall continue to apply. Nothing in ORS 390.950 to 390.989 and 390.995 (2) prohibits the use of roads existing on private lands on September 9, 1971, which may cross or traverse portions of the trail right of way, nor shall ORS 390.950 to 390.989 and 390.995 (2) prevent trails from crossing such roads.

(5) The department shall endeavor to induce agreements with appropriate state and federal agencies to provide for youth work projects to assist in the construction and maintenance of trails that are part of the Oregon recreation trails system.

(6) The department shall endeavor, when it considers such to be appropriate, to develop and enhance the educational values and opportunities of Oregon recreation trails. In this connection the department shall cooperate with schools, educators and other interested persons or groups in developing and utilizing techniques and materials to demonstrate to and inform the trail-using public of various scenic and natural features visible along or from such trails, including geological, botanical, historical, zoological and similar features.

(7) The department shall place and endeavor to maintain signs at such places as it considers appropriate along Oregon recreation trails advising users of the Oregon laws of criminal trespass and encouraging users to protect the trails and the rights and property of adjacent landowners.

(8) The department, with the concurrence of any federal agency administering lands through which an Oregon recreation trail passes, and after consultation with the local governments, private organizations and landowners that the department knows or believes to be concerned, and the advisory council established under ORS 390.977, may adopt rules that may be revised from time to time governing protection, management, use, development and administration of an Oregon recreation trail.

(9) The department, on lands not within a forest protection district, upon recommendation of the State Forester, shall have the authority to close trails during periods of high fire danger. The department shall also have the authority to close trails if it deems it necessary to protect the safety of the public.

(10) Notwithstanding the provisions of ORS chapter 477, forestland on which a fire exists that was caused by a person using, for recreational purposes, a trail established pursuant to ORS 390.950 to 390.989, shall not be considered

an operation area as defined by ORS 477.001, if the fire did not start within an operation. [1971 c.614 §9; 1973 c.46 §7; 1983 c.740 §123; 1997 c.274 §37; 2003 c.14 §169]

390.974 Intergovernmental cooperation to obtain property for use in trail system. The State Parks and Recreation Department is authorized and encouraged to consult and to cooperate with any state, federal or local governmental agency or body and with any privately owned utility having jurisdiction or control over or information concerning the use, abandonment or disposition of roadways, utility rights of way or other properties suitable for the purpose of improving or expanding the Oregon recreation trails system in order to assure, to the extent practicable, that any such properties having value for Oregon recreation trail purposes may be made available for such use. [1971 c.614 §11]

390.977 Oregon Recreation Trails Advisory Council; members; appointment; terms; duties; expenses; officers; quorum; meetings. (1) There is established an Oregon Recreation Trails Advisory Council consisting of seven members, at least one from each congressional district in the state. However, not less than two of such members shall be from separate counties bordering upon the ocean shore. Members of the council shall be appointed by the State Parks and Recreation Commission and shall serve at the pleasure of the commission for terms of four years. Before the expiration of the term of a member, the commission shall appoint a successor. A member shall be eligible for reappointment. If there is a vacancy for any cause, the commission shall make an appointment to become immediately effective for the unexpired term.

(2) The commission and the State Parks and Recreation Department shall consult with the council from time to time with respect to matters relating to Oregon recreation trails, including the designation and establishment of Oregon recreation trails, the selection of rights of way, the selection, erection and maintenance of markers along the trail routes and the administration of the trails.

(3) Members of the council shall serve without compensation, but the department may pay expenses as provided in ORS 292.495.

(4) The council shall select one of its members as chairperson.

(5) A majority of the members of the council constitutes a quorum for the transaction of business.

(6) The council shall meet at times and places specified by the call of the chairperson or a majority of the members of the council. [1971 c.614 §8; 1981 c.545 §7; 1991 c.257 §1]

390.980 Funds for purposes of ORS 390.950 to 390.989; acceptance and use of donated funds; indemnity to owners of land damaged by trail users. In addition to State of Oregon funds available for the purposes of ORS 390.950 to 390.989 and 390.995 (2), the State Parks and Recreation Department may use such portion of moneys made available to it by any federal agency which may be used for such purposes, including matching funds, as the department determines are necessary or desirable to carry out the purposes of ORS 390.950 to 390.989 and 390.995 (2). In addition to the foregoing, the department may receive and may encourage the receipt of donated funds or property from individuals, groups or organizations (including trail users) for specified or nonspecified uses in connection with the acquisition, development, maintenance and administration of Oregon recreation trails. The department if it considers it advisable, may provide under its rules and regulations, for the use of a portion of any such donated funds received for nonspecified purposes to grant to an owner of private land adjacent to an Oregon recreation trail, funds indemnifying such owner for damage clearly caused to the land of the owner, and property therein, by users of such trail and which such landowner has not been able to recover from the user causing such damage. [1971 c.614 §12]

390.983 Trail property tax assessment. For ad valorem tax purposes, real property that is subject to an easement, or a written cooperative agreement, for purposes of ORS 390.950 to 390.989 and 390.995 (2) shall be valued at its real market value, less any reduction in value caused by the easement or the written cooperative agreement, and assessed in accordance with ORS 308.232. The easement shall be exempt from assessment and taxation the same as any other property owned by the state. [1971 c.614 §13; 1981 c.804 §100; 1991 c.459 §395]

390.986 Injunctive relief for violation of ORS 390.950 to 390.989. The State Parks and Recreation Department has power to obtain injunctions against violations of any provisions of ORS 390.950 to 390.989 and any rules and regulations adopted under ORS 390.950 to 390.989 and agreements made under ORS 390.950 to 390.989. [1971 c.614 §14]

390.989 Eminent domain does not apply to department powers or duties under ORS 390.950 to 390.989. Any power of eminent domain otherwise vested in the State Parks and Recreation Department does not apply to any power or duty vested in the department by ORS 390.950 to 390.989. [1971 c.614 §16]

Appendix D: Oregon Administrative Rule

PARKS AND RECREATION DEPARTMENT

DIVISION 9

OREGON RECREATION TRAILS

736-009-0005 - Repeal

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.950 - 390.962

Hist.: HC 1286, f. 12-19-72, ef. 1-1-73; 1 OTC 30, f. 7-5-74, ef. 7-25-74; PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0006

Oregon Recreation Trails

(1) The purpose of OAR 735-009-0005 to OAR 735-009-0030 is to establish the procedures and criteria that the Oregon Recreation Trails Advisory Council will use in recommending to the department the establishment and designation of Oregon Recreation Trails. Pursuant to the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995, the following categories are established:

(a) "Oregon Scenic Trails" may be comprised of routes that provide access to national, state, or regional resources of superlative quality and scenic splendor.

(b) "Oregon Regional Trails" may be comprised of routes that provide connections to communities, recreation sites or trail systems, and close-to-home recreational opportunities.

(c) "Oregon Scenic Bikeways" may be comprised of bicycle paths, designated transportation corridors, or a combination thereof. Oregon Scenic Bikeways may include route sections that are located in or near existing rights of way for roads or highways.

(2) The goals and objectives of the Oregon Recreation Trails Program are to:

(a) Provide recreation trails of superlative quality for the enjoyment and health of Oregonians and visitors;

(b) Showcase a standard for excellence in the routing, construction, maintenance, and marking consistent with each trail's character and purpose;

(c) Preserve and enhance Oregon Recreation Trails;

(d) Provide links to recreation sites and scenic, historic, natural, cultural resources along Oregon Recreation Trails; and

(e) Preserve and protect the natural landscape, scenic features, historic character, and recreation opportunities within the trail corridor.

(3) In furtherance of the goals and objectives established in section (2) of this rule, the department will:

(a) Follow the process and criteria established in this division for evaluating, designating, updating and maintaining Oregon Recreation Trails;

(b) Develop management strategies to preserve and enhance Oregon Recreation Trails;

(c) Create and provide public information resource materials on Oregon Recreation Trails, and

(d) Promote interest and support from local communities for creation, enhancement, and publicizing of local trails and recreation opportunities adjacent to or in close proximity to any Oregon Recreation Trails.

Stat. Auth.: ORS 390.971(8)
Stats. Implemented: ORS 390.956, 390.959, 0 - 390.962, 390.968, 390.971
Hist.: 736-009-0010 - Repeal

Stat. Auth.: ORS 184 & ORS 390.962
Stats. Implemented: ORS 390.950 - 390.962
Hist.: PR 6-1987, f. & ef. 7-8-87; PR 1-1989, f. & cert. ef. 3-1-89; PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0015 - Repeal

Stat. Auth.: ORS 390.971(8)
Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971
Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0020

Definitions

For purposes of this division, unless the context requires otherwise:

- (1) "Agriculture/Forestry" means crops, wineries, vineyards, ranches, fisheries, orchards, nurseries, old-growth and reforested lands.**
- (2) "Amenities" may include potable water, lodging, camping, restrooms, bike shops, equipment storage, restaurants and grocery stores.**
- (3) "Commission" means the Oregon Parks and Recreation Commission.**
- (4) "Committee" means the eleven-member Scenic Bikeway Committee appointed by the director to recommend the establishment and designation of Oregon Scenic Bikeways to the department.**
- (5) "Council" means the Oregon Recreation Trails Advisory Council.**
- (6) "Department" means the Oregon Parks and Recreation Department.**
- (7) "Director" means the Oregon Parks and Recreation Director appointed under ORS 390.127.**
- (8) "Landform" means topography that becomes more interesting as it gets steeper or more massive, or more severely sculptured. Outstanding landforms may be monumental or artistic and subtle.**
- (9) "Landscape" means a combination of outdoor, manmade, natural, and agricultural features within a view shed.**
- (10) "Linear Route" means a route that progresses from a starting to an ending point. The beginning and end of a linear route do not meet, but may connect to another route or a destination point.**
- (11) "Loop Route" means a route that starts and ends at the same location or connects to another cycling route that returns to the starting point.**
- (12) "Natural Features" means non-manmade attractions including geologic formations, wildlife sites, waterfalls, lake basins, old-growth stands, and mountain meadows.**
- (13) "Oregon Recreation Trail" means any trail established and designated by the department pursuant to the Oregon Recreation Trails System Act.**

(14) "Oregon Regional Trail" means any trail that connects communities, recreation sites or other trail systems and provides close-to-home recreational opportunities.

(15) "Oregon Scenic Bikeway" means a route designated for bicyclists under ORS 390.962.

(16) "Oregon Scenic Trail" means trails that provide access to and enjoyment of significant scenic natural views and features.

(17) "Bicycle Path" means a paved trail along a road or an independent right-of-way used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers.

(18) "Paved" means a hard surface such as concrete, asphalt cement concrete (A/C) or other stable bituminous surface.

(19) "Proponent" means a group, organization, or individual who proposes the designation of an Oregon Recreation Trail.

(20) "Public Land" means any lands owned or leased by the federal government, this state or any political subdivision thereof.

(21) "Route" means a combination of streets and paths used to travel to destinations or in corridors for transportation or recreation.

(22) "Scenic" means an abundance and variety of aesthetically-pleasing manmade or natural elements along the route.

(23) "Trail Corridor" means the land associated with the use agreement, easement or right-of-way upon which the trail lies.

(24) "Unique" means relatively rare or unusual as applied to a resource or combination of features within a geographic region.

(25) "Vegetation" means forest, prairies, orchards, active farm cropland and tree farms with a variety of patterns, form and textures created by plant life, and small scale vegetation features that add striking and intriguing detail elements to the landscape.

(26) "Water" means ocean, rivers, lakes, streams, waterfalls, rapids, marshes, estuaries, bays, canals and harbors that add movement or serenity to a scene, or the degree to which water dominates the scene.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.950 – 390.989

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0021

Establishing Oregon Scenic Trails

Pursuant to ORS 390.962(1), the department prescribes the criteria for the designation of Oregon Scenic Trails in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(1) Oregon Scenic Trails will be comprised of routes that provide access to national, state, or regional resources of superlative quality and scenic splendor.

(2) Oregon Scenic Trails may be linear, loop, or a combination of linear and loop routes and shall generally meet these criteria:

(a) Scenic Trails will connect to other trails to the extent possible.

(b) Scenic Trails should be a minimum of one (1) mile in length.

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Trail may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner of and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Evaluation of Applications

(a) To be considered as an Oregon Scenic Trail, a proponent must submit to the department a complete Oregon Scenic Trail Application form in the format specified by the department, including a detailed Trail Management Plan.

(b) The department will review each Oregon Scenic Trail application for completeness and eligibility, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the council. Incomplete or ineligible applications will be returned to the proponents with an explanation of the deficiencies.

(c) The council will consider trails for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The council or designee shall conduct a field review of the proposed trail.

(e) The council shall score the trail against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and in this rule, including but not limited to:

(A) Emphasis on use of public lands,

(B) Minimizing adverse effects on adjacent landowners,

(C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(f) Based on the application, field review, and scoring, the council shall determine if the trail qualifies to be recommended for designation as an Oregon Scenic Trail.

(g) If the council does not recommend designating the route as an Oregon Scenic Trail, it shall provide comments and recommendations to the proponent. The proponent may reapply to the council only after fully addressing the recommendations of the council.

(5) Designation Process:

(a) The council shall provide each recommendation for designation as an Oregon Scenic Trail to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) After the public meetings required in subsection (b), the director shall either:

(A) Submit the council's recommendation to the commission for approval or denial of the proposed Oregon Scenic Trail; or

(B) Request that the council provide further consideration of issues presented in the public meeting.

(6) Trail Management:

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Scenic Trail standards.

(b) The department shall evaluate each Oregon Scenic Trail at least once every five years. The department will provide the council an evaluation and inventory of the trail features. Upon review, the council may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Scenic Trails designation when or if the trail no longer meets the criteria.

(c) Signing and Publication of Oregon Scenic Trails.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for each trail the commission designates as an Oregon Scenic Trail.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Trails.

Stat. Auth.: [ORS 390.971\(8\)](#)

Stat. Implemented: ORS 390.956, 390.959, 390.962, 390.968, 390.971

Hist.:

736-009-0022

Establishing Oregon Regional Trails

Pursuant to ORS 390.962(1), the department prescribes the criteria in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2), for the designation of Oregon Regional Trails.

(1) Oregon Regional Trails may be comprised of recreational trails that provide connections to communities, recreation sites or trail systems, and close-to-home recreational opportunities.

(2) Oregon Regional Trails may be linear, loop, or a combination of linear and loop routes that connect communities or recreation sites and shall generally meet these criteria:

(a) Regional Trails connect communities or recreation resources to the extent possible.

(b) Regional Trails should be a minimum of five (5) miles in length.

(3) Pursuant to ORS 390.962(1), an Oregon Regional Trail may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner of and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Evaluation of Applications

(a) To be considered as an Oregon Regional Trail, a proponent must submit to the department a complete Oregon Regional Trail Application form in the format specified by the department, including a detailed Trail Management Plan.

(b) The department will review each Oregon Regional Trail proposal for completeness, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the council. Incomplete or ineligible applications will be returned to the proponents with an explanation of the deficiencies.

(c) The council will consider trails for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The council or designee shall conduct a field review of the proposed routetrail.

(e) The council shall score the trail against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and this rule, including but not limited to:

(A) Emphasis on use of public lands,

(B) Minimizing adverse effects on adjacent landowners,

(C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Emphasis on connections to communities, recreation sites, or trail systems, and close-to-home recreational opportunities.

(f) Based on the application, field review, and scoring, the council shall determine if the trail qualifies to be recommended for designation as an Oregon Regional Trail.

(5) Designation Process:

(a) The council shall provide each recommendation for designation as an Oregon Regional Trail to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) After the public meetings required in subsection (b), the director shall either submit the council's recommendation to the commission for approval or denial of the proposed Oregon Regional Trail or request that the council provide further consideration of issues presented in the public meeting.

(6) Trail Management:

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Regional Trail standards.

(b) The department shall evaluate each Oregon Regional Trail at least once every five years. The department will provide the council an evaluation and inventory of the trail features. Upon review, the council may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Regional Trail designation when or if the trail no longer meets the criteria.

(c) Signing and Publication of Oregon Regional Trails.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for each trail the commission designates as an Oregon Regional Trail.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Regional Trails.

Stat. Auth.: [ORS 390.971\(8\)](#)

Stats. Implemented: [ORS 390.956](#), [390.959](#), [390.962](#), [390.968](#), [390.971](#)

Hist.:

736-009-0025

Oregon Scenic Bikeways Committee

(1) The director shall appoint a Scenic Bikeways Committee composed of 11 members. The committee shall include one representative each from:

(a) The department;

(b) Oregon Tourism Commission (dba Travel Oregon)

(c) Oregon Department of Transportation

(d) A Federal Lands Manager (U.S. Forest Service or Bureau of Land Management

(e) Oregon Association of Convention and Visitors Bureaus;

(f) Oregon Recreation Trails Advisory Council established pursuant to ORS 390.977;

(g) Oregon Bicycle and Pedestrian Advisory Committee established pursuant to ORS 366.112;

(h) Association of Oregon Counties;

(i) League of Oregon Cities;

(j) Representative of bicycle advocacy organization; and

(k) Citizen Representative.

(2) Members may serve two consecutive four-year terms on the committee. However, the director shall appoint the first committee members following the effective date of this rule to serve a two, three, or four-year term.

(3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.

(4) The committee shall meet at times and places specified by the call of the director.

(5) A majority of the members of the committee constitutes a quorum for the transaction of business.

(6) Function and Duties of Scenic Bikeways Committee:

(a) The committee shall evaluate proposed Oregon Scenic Bikeways against the criteria provided in OAR 736-009-0030 and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2). The committee shall make a recommendation to the director on each application for a proposed Oregon Scenic Bikeway.

(b) The committee shall evaluate each Oregon Scenic Bikeway route at least once every five years. The department and Oregon Department of Transportation will provide the committee an inventory of the features of the route determined by riding a bike along the route. The committee may recommend that the department improve, remove, or reroute portions of a route no longer meeting the criteria for an Oregon Scenic Bikeway.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

736-009-0030

Establishing Oregon Scenic Bikeways

Pursuant to ORS 390.962(1), the department prescribes the criteria in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2), for the designation of Oregon Scenic Bikeways.

(1) Oregon Scenic Bikeways may be comprised of bicycle paths, designated transportation corridors or a combination thereof. Oregon Scenic Bikeways may include route sections located in or near existing rights-of-way for roads or highways.

(2) Oregon Scenic Bikeways may be linear, loop, or a combination of linear and loop routes that encompass national, state, or regional scenic resources and shall generally meet these criteria:

(a) Linear routes connect to each other and other designated routes to the extent possible.

(b) Linear routes should be a minimum of 40 miles in length.

(c) Loop routes encompass regional or local scenic, cultural or historic features.

(d) Scenic loop routes should be a minimum of five miles in length and should return the cyclist to the point of origin.

(e) Scenic loop routes may be established as connections to existing linear Oregon Scenic Bikeways or may be established as Oregon Scenic Bikeways in and of themselves.

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Bikeway may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Evaluation of Applications

(a) To be considered as an Oregon Scenic Bikeway, a proponent must submit to the department a completed Oregon Scenic Bikeway Application form in the format specified by the department, including a detailed Trail Management Plan.

(b) The department will review each Oregon Scenic Bikeway proposal for completeness, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the committee. Incomplete or ineligible applications will be returned to the proponents with an explanation of the deficiencies.

(c) The committee will consider routes for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The committee shall conduct a field review of the proposed route, to include a review conducted on bicycles by no less than three (3) members of the committee.

(e) The committee shall score the route against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and this rule, including but not limited to:

(A) Emphasis on use of public lands,

(B) Minimizing adverse effects on adjacent landowners,

(C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(e) Based on the application, field review and scoring the committee shall determine if the route qualifies to be recommended for designation as an Oregon Scenic Bikeway.

(f) If the committee does not recommend designating the route as an Oregon Scenic Bikeway, it shall provide comments and recommendations to the proponent. The proponent may reapply to the committee only after fully addressing the recommendations of the committee.

(5) Designation Process:

(a) The committee shall provide each recommendation for designation as an Oregon Scenic Bikeway to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) The department will consult with the Oregon Recreational Trails Advisory Council as provided in ORS 390.977.

(d) After the public meetings required in subsection (b), and in consultation with the council, the director shall either:

(A) Submit the committee's recommendation to the commission for approval or denial of the proposed Oregon Scenic Bikeway; or

(B) Request that the committee provide further consideration of issues presented in the public meeting.

(6) Scenic Bikeway Management

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Scenic Bikeway Standards.

(b) The department shall evaluate each Oregon Scenic Bikeway at least once every five (5) years. The department will provide the committee an evaluation and inventory of the trail features. Upon review, the committee may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Scenic Bikeway designation when or if the trail no longer meets the criteria.

(c) Signing and Publication of Oregon Scenic Bikeway.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for all routes that the commission designates as an Oregon Scenic Bikeway.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Bikeways.

Stat. Auth.: ORS 390.971(8)

Stats. Implemented: ORS 390.956, 390.959, 390.962, 390.968 & 390.971

Hist.: PRD 7-2008, f. & cert. ef. 9-15-08

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