

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
10-15-15 3:41 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Department of Aviation
Agency and Division

738

Administrative Rules Chapter Number

Lauri Kunze

(503) 986-3171

Rules Coordinator

Telephone

Oregon Department of Aviation, 3040 25th St. SE, Salem, OR 97302-1125

Address

RULE CAPTION

Tie-Down Fees

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

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

738-010-0025, 738-010-0035, 738-010-0050, 738-010-0060

REPEAL: 738-010-0040

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 835.112, 835.035

Other Authority:

None

Statutes Implemented:

ORS 835.112, 835.035, 836.055

RULE SUMMARY

Oregon Administrative Rule 738-005-0010(129) defines "Tie-Down Area" as State-owned airport property, either pavement or turf, which is designated for parking based or transient aircraft. Tiedowns are "D" rings and chains fixed in the ground used to secure aircraft while parked to protect against winds moving the aircraft.

OAR 738-0010-0025 has required the Department of Aviation's (ODA) Fixed Based Operator (FBO) tenants to pay 30% of the tiedown fees they collect through their commercial operations at State airports. ODA does not have the ability to monitor the use of tiedowns at our tenants' facilities; therefore our tenants are on their honor to pay the 30% fee. However, our tenants most often do not pay us. In order to simplify this rule, and to encourage compliance, we wish to change the fee from a percentage to a flat fee.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

11-23-2015 Close of Business	Lauri Kunze	lauri.g.kunze@odot.state.or.us
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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

FILED
10-15-15 3:41 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Department of Aviation
Agency and Division

738
Administrative Rules Chapter Number

Tie-Down Fees

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

In the Matter of:

the Amendment of 738-010-0025, 738-010-0035, 738-010-0050, 738-010-0060; and the Repeal of 738-010-0040

Statutory Authority:

ORS 835.112, 835.035

Other Authority:

None

Statutes Implemented:

ORS 835.112, 835.035, 836.055

Need for the Rule(s):

Oregon Administrative Rule 738-005-0010(129) defines "Tie-Down Area" as State-owned airport property, either pavement or turf, which is designated for parking based or transient aircraft. Tiedowns are "D" rings and chains fixed in the ground used to secure aircraft while parked to protect against winds moving the aircraft.

OAR 738-0010-0025 has required the Department of Aviation's (ODA) Fixed Based Operator (FBO) tenants to pay 30% of the tiedown fees they collect through their commercial operations at State airports. ODA does not have the ability to monitor the use of tiedowns at our tenants' facilities; therefore our tenants are on their honor to pay the 30% fee. However, our tenants most often do not pay us. In order to simplify this rule, and to encourage compliance, we wish to change the fee from a percentage to a flat fee.

Documents Relied Upon, and where they are available:

Lease contracts between ODA and its tenants, available at ODA, and; reports from Right of Way.

Fiscal and Economic Impact:

See statements below.

Statement of Cost of Compliance:

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

The change in our commercial use tiedown fee system will not affect any state agencies, units of local government, or the public. These fees are only applicable to FBO tenants of ODA at state owned airports.

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:

DA estimates three (3) small businesses will be affected. These businesses are Fixed Based Operators that offer fuel and other services at state owned airports in the General Aviation industry.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No additional reporting, recordkeeping, or other administrative activities will be required to comply with this rule.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor, or increased administrative activities will be required to comply with this rule.

How were small businesses involved in the development of this rule?

Small businesses have been involved in the development of this rule via their lease contracts, and through in-person communications between ODA's Airport Manager, Matt Maass, and ODA's tenants.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

ODA did not employ a Rule Advisory Committee because of the extremely small number of affected stakeholders and ODA's constant contact with those stakeholders.

<u>11-23-2015 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address