

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

<u>Department of Transportation, Highway Division</u>	<u>734</u>
Agency and Division	Administrative Rules Chapter Number
<u>Lauri Kunze</u>	<u>(503) 986-3171</u>
Rules Coordinator	Telephone
<u>Department of Transportation, Highway Division, 3930 Fairview Industrial Dr. SE, Salem, OR 97302</u>	
Address	

RULE CAPTION

Removing Personal Property from Illegal Campsites on State Highway Rights-of-Way

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:

734-035-0010 and 734-035-0040

REPEAL:

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:

184.616; 377.650; Chapter 84, 2011 Oregon Laws (SB 447)

Other Authority:

None

Statutes Implemented:

377.650 & Chapter 84, 2011 Oregon Laws (SB 447)

RULE SUMMARY

The Department of Transportation may remove personal property that is left on state highway rights of way. SB 447 is specific to personal property that is under a state highway bridge, on property along a river, and within an urban growth boundary and requires written notice be provided each time the Department intends to remove personal property from these areas. The bill also outlines the style and content of the written notice. ORS 377.650 addresses removal of personal property in other locations.

These rules modify the procedure for removing personal property specifically from illegal campsites that are located on state highway rights of way under both ORS 377.650 and Chapter 84, 2011 Oregon Laws (SB 447).

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.

<u>11-21-2011 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>	<u>10-12-11 2:13p.m.</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Transportation, Highway Division

734

Agency and Division

Administrative Rules Chapter Number

Removing Personal Property from Illegal Campsites on State Highway Rights-of-Way

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 OAR 734-035-0010 and 734-035-0040

Statutory Authority:

184.616; 377.650; Chapter 84, 2011 Oregon Laws (SB 447)

Other Authority:

None

Stats. Implemented:

377.650 & Chapter 84, 2011 Oregon Laws (SB 447)

Need for the Rule(s):

The Department of Transportation may remove personal property that is left on state highway rights of way. SB 447 is specific to personal property that is under a state highway bridge, on property along a river, and within an urban growth boundary and requires written notice be provided each time the Department intends to remove personal property from these areas. The bill also outlines the style and content of the written notice. ORS 377.650 addresses removal of personal property in other locations.

These rules modify the procedure for removing personal property specifically from illegal campsites that are located on state highway rights of way under both ORS 377.650 and Chapter 84, 2011 Oregon Laws (SB 447).

Documents Relied Upon, and where they are available:

Chapter 84, 2011 Oregon Laws (SB 447) available online at www.leg.state.or.us.

Fiscal and Economic Impact:

The proposed rules may have fiscal impact on state government.

Statement of Cost of Compliance:

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

The extent of the impact would be based on the location and frequency that illegal campsites are established and that personal property must be removed from those illegal campsites.

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:

None

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

None

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

None

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

If not, why?:

A draft of the rule was sent to several groups representing small businesses. There were no comments submitted identifying any adverse economic impact.

Administrative Rule Advisory Committee consulted?: No

An outside advisory committee was not created specifically for the drafting of this rule. The proposed amendment simply amends the rules to implement recent law changes.

11-21-2011 Close of Business

Lauri Kunze

lauri.g.kunze@odot.state.or.us

10-12-11 2:13 PM

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007