

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Transportation, Highway Division

Agency and Division

734

Administrative Rules Chapter Number

Lauri Kunze

Rules Coordinator

355 Capitol St. NE, Rm. 29 Salem, OR 97301 lauri.g.kunze@odot.state.or.us

Address

(503) 986-3171

Telephone

RULE CAPTION

Pedestrian Activity

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

RULEMAKING ACTION

ADOPT: 734-058-0010, 734-058-0020, 734-058-0030, 734-058-0040, 734-058-0050, 734-058-0060, 734-058-0070, 734-058-0080

AMEND:

REPEAL:

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

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

ORS 184.616, 184.619, and 814.070

Stat. Auth..

None

Other Authority

ORS 814.070

Stats. Implemented

RULE SUMMARY

SB 1084 of the 2008 special session grants an exception to a pedestrian committing the offense of pedestrian with improper position upon a highway if the pedestrian does not impede traffic or create a traffic hazard, posts advance warning signs, wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission, and obtains a permit from the appropriate road authority. These rules would describe how a pedestrian would obtain a permit from the Department of Transportation for activities along a state highway.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

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 the negative economic impact of the rule on business.

July 21, 2008

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Lauri Kunze

Printed name

Date

* 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.

Oregon Department of Transportation, Highway Division
Agency and Division

734
Administrative Rules Chapter Number

In the Matter of the Adoption of OAR Chapter 734, Division 58

Rule Caption: Pedestrian Activity

Statutory Authority: ORS 184.616, 184.619, and 814.070

Other Authority: None

Statutes Implemented: ORS 814.070

Need for the Rule(s): SB 1084 of the 2008 special session grants an exception to a pedestrian committing the offense of pedestrian with improper position upon a highway if the pedestrian does not impede traffic or create a traffic hazard, posts advance warning signs, wears high-visibility safety apparel in compliance with standards adopted by the Oregon Transportation Commission, and obtains a permit from the appropriate road authority. These rules would describe how a pedestrian would obtain a permit from the Department of Transportation for activities along a state highway.

Documents Relied Upon and where they are available: SB 1084 of the 2008 special session available online at www.leg.state.or.us.

Fiscal and Economic Impact, including Statement of Cost of Compliance: The proposed rules may have fiscal impact on state agencies, local government, businesses, including small businesses, or the public. The extent of the impact would be based on the location the activity is conducted and a motorists choice to participate in or contribute toward the activity. A draft of the rule was sent to several groups representing small businesses. There were no comments submitted identifying any adverse economic impact.

How were small businesses involved in the development of this rule? A notice of this proposed amendment was sent to groups representing small businesses; no input was received.

Administrative Rule Advisory Committee consulted?: No

If not, why?: An outside advisory committee was not created specifically for the drafting of this rule. The proposed amendments simply create the rules to implement recent law changes.

Authorized Signer

Lauri Kunze

Printed name

Date

