

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rules(s) adopted on July 23, 2009 by the
Date prior to or same as filing date.

Oregon Department of Transportation, Highway Division 731
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective upon filing through January 22, 2010
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Selection of projects for a public-private partnership through the Oregon Innovative Partnerships Program
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: 731-070-0245

AMEND: 731-070-0240

SUSPEND:

ORS 184.616, 184.619, 367.800 - 367.824 None
Stats. Auth. Other Authority

ORS 367.800 - 367.824
Stats. Implemented

RULE SUMMARY

The American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111-5, appropriates funding for the Department of Energy (DOE) to stimulate the economy and to create and retain jobs. The Act gives preference to activities that can be started and completed expeditiously. ARRA and other state and federal funding has been committed to ODOT to develop solar photovoltaic generating resources to power the transportation system and provide jobs.

On June 23, 2009, the Oregon Transportation Commission enrolled the Oregon Solar Highway program into the Oregon Innovative Partnerships Program (OIPP), affirming that the ODOT Solar Highway Projects – Innovative Utility Partnerships have the potential to accelerate cost-effective delivery or promote innovative approaches to carrying out the projects.

However, upon examining applicable Oregon Administrative Rules, ODOT finds the need to clarify agency authority under the Oregon Innovative Partnerships Program through temporary rules to allow solicitation of a single proposal for certain transportation projects enrolled in the Oregon Innovative Partnerships Program through action of the Oregon Transportation Commission.

The temporary rules have particular immediate application to the Solar Highway projects. The nature of utility service areas limits the solicitations only to the utility serving the particular area where a solar highway project site is located. The proposed temporary rules recognize that with approval of the Oregon Transportation Commission it may be appropriate to enter into direct negotiations for a public-private partnership.

Authorized Signer Doug Tindall _____
Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Transportation, Highway Division
Agency and Division

731
Administrative Rules Chapter Number

In the Matter of Amending 731-070-0240 and Adopting 731-070-0245

Rule Caption: Selection of projects for a public-private partnership through the Oregon Innovative Partnerships Program.

Statutory Authority: ORS 184.616, 184.619, 367.800 - 367.824

Other Authority: None

Statutes Implemented: ORS 367.800 - 367.824

Need for the Temporary Rule(s): The American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111-5, appropriates funding for the Department of Energy (DOE) to stimulate the economy and to create and retain jobs. The Act gives preference to activities that can be started and completed expeditiously. ARRA and other state and federal funding has been committed to ODOT to develop solar photovoltaic generating resources to power the transportation system and provide jobs.

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These temporary rules were prepared by Oregon DOJ legal counsel at the request of ODOT.

Documents Relied Upon, and where they are available: Oregon Transportation Commission, Agenda Item F Oregon Department of Transportation Solar Highway Projects Innovative Utility Partnerships, June 23, 2009. A copy of the agenda item may be requested from Kathy Kleen, Office of Innovative Partnerships & Alternative Funding, Oregon Department of Transportation, 355 Capitol St. NE Room 115, Salem, OR 97301, (503) 986-3193, Kathy.A.KLEEN@odot.state.or.us.

Justification of Temporary Rules(s): The temporary rules will make it possible for ODOT to fulfill state and national policy to expeditiously move forward with public purpose projects to create and retain needed jobs for Oregonians. ODOT's failure to act promptly in adopting these rules would result in serious prejudice to the public interest through loss of momentum in the state's economic recovery efforts.

Authorized Signer

Doug Tindall

Printed name

Date