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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

AVIA 1-2026

CHAPTER 738

OREGON DEPARTMENT OF AVIATION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Rules establishing civil penalties for Vehicle and Pedestrian Deviations at the Aurora State Airport

EFFECTIVE DATE: 02/05/2026 THROUGH 08/03/2026

AGENCY APPROVED DATE: 02/05/2026

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NEED FOR THE RULE(S):

This rule is needed to immediately address recurring Vehicle and Pedestrian Deviations which pose an imminent threat to aircraft operations and public safety at the Aurora State Airport. Such violations occur within Movement and Safety Areas where unsafe conduct presents a substantial risk of serious injury, loss of life, or damage to aircraft and airport infrastructure. The absence of established civil penalties has materially limited the Department of Aviation's ability to deter and promptly correct these hazardous conditions.

JUSTIFICATION OF TEMPORARY FILING:

The airport has experienced a sudden and recent spike in Vehicle and Pedestrian Deviations in 2025. While the Department has made considerable effort through outreach and education to mitigate these hazards, this Temporary Filing will allow the Department to take additional and immediate action to enforce its controlled Movement Area at UAO while permanent rule making is completed.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Federal Aviation Administration - Airport Sponsor Assurances:

https://www.faa.gov/airports/aip/grant_assurances/assurances-airport-sponsors-2025

10/21/25 Federal Aviation Administration Letter regarding Vehicle/Pedestrian Deviations. Upon request from ODAV.

2/13/2023 Federal Aviation Administration Investigation Closeout Letter. Upon request from ODAV.

RULES:

738-050-0005, 738-140-0020

ADOPT: 738-050-0005

RULE SUMMARY: Establishes rules for Vehicle/Pedestrian Deviations and Civil Penalties

CHANGES TO RULE:

738-050-0005

Vehicle/Pedestrian Deviations and Civil Penalties

(1) The Department and the Board find that the movement by any person, vehicle, or aircraft operated by a non-pilot within the Movement and Safety Area of the airport creates a potential for serious physical harm or death and that penalties for such movement may discourage this dangerous activity. ¶

(2) The following definitions apply to this rule.¶

(a) "Movement and Safety Areas" refers to all areas of the Aurora State Airport under the control of Air Traffic Control Tower used for taxiing, takeoff, and landing of aircraft, not including loading ramps and parking areas.¶

(b) "Air Traffic Control" means the person(s) responsible for the coordination and positive control over the movement of traffic within the controlled airspace and Movement and Safety Areas.¶

(3) The following conduct is a vehicle/pedestrian deviation: ¶

(a) Any pedestrian or vehicle, including aircraft operated by non-pilots, that enters or moves within the Movement and Safety Areas without clearance from Air Traffic Control; or¶

(b) A person that provides, allows or otherwise causes another person to enter or move within the Movement and Safety Area without clearance from Air Traffic Control, not limited to sharing airport access information, failing to prevent piggybacking through a gate, failing to maintain positive control over guests inside the fence, or failing to prevent unauthorized access from private property.¶

(4) Any person that commits or causes a vehicle/pedestrian deviation is a responsible party against whom the Director may impose: ¶

(a) a written warning for a single vehicle/pedestrian deviation in a six-month period. ¶

(b) A civil penalty of \$500 for a second vehicle/pedestrian deviation committed within a one-year period.¶

(c) A civil penalty of \$1,000 for a third vehicle/pedestrian deviation within a two-year period. ¶

(d) A civil penalty of \$1,500 for a fourth vehicle/pedestrian deviation committed within a two-year period.¶

(e) A civil penalty of \$2,500 for a fifth or subsequent vehicle/pedestrian deviation committed within a two-year period. ¶

(f) A civil penalty of \$2,500 for any single violation where the responsible party has intentionally or with reckless disregard committed a vehicle/pedestrian deviation.¶

(5) If a prior vehicle/pedestrian deviation is contested and has not become a final order, the civil penalties assessed pursuant to this section will be rescinded if the prior vehicle/pedestrian deviation does not become final. ¶

(6) For each vehicle/pedestrian deviation where there are multiple responsible parties, the Director will impose a civil penalty against each responsible party. For example, if a tenant allows a driver to enter the Movement and Safety Area and the driver does not have clearance from Air Traffic Control, and it is the tenant and driver's first vehicle/pedestrian violation within a six month period, the Director will issue a separate warning to each as responsible parties. If this is the tenant's second vehicle/pedestrian deviation in a single year and driver's third vehicle/pedestrian deviation in a single year, the Director will assess a \$500 civil penalty against the tenant and a \$1,000 civil penalty against the driver. ¶

(7) The Director may reduce or waive a civil penalty for a vehicle/pedestrian deviation after a consideration of each or any of the following:¶

(a) Whether the person or responsible person is a repeat violator. ¶

(b) The amount of time between each vehicle/pedestrian deviation.¶

(c) The egregiousness of the vehicle/pedestrian deviation.¶

(d) Cooperation and responsiveness of the violator with the Department of other persons in control of the airport.¶

(e) The responsible party's attempt to control the access.¶

(f) The facts and circumstances surrounding the vehicle/pedestrian deviation.¶

(g) Any basis for reducing a civil penalty as set forth in OAR 738-140-0005(4).¶

(8) The civil penalty formula in OAR 738-140-0030 does not apply to a vehicle/pedestrian deviation.

Statutory/Other Authority: ORS 184, ORS 835, ORS 836, ORS 836.025

Statutes/Other Implemented: ORS 836.095, ORS 836.505, ORS 836.025

AMEND: 738-140-0020

RULE SUMMARY: Violations for Which a Civil Penalty May be Imposed

CHANGES TO RULE:

738-140-0020

Violations for Which a Civil Penalty May be Imposed ¶¶

The Department may impose a civil penalty for violations of any of the following statutes, administrative rules, or orders:¶¶

(1) Intentional violation of any provision of ORS 837.020 or 837.025 concerning registration of pilots may incur a civil penalty. The amount of the penalty shall be determined using the formula described in OAR 738-140-0030, where "BF" is the base fine and shall be equal to \$24.00; and "I" is the impact of the violation and shall be equal to 1.¶¶

Example of an intentional violation of ORS 837.020: If a pilot were to explicitly refuse to register with the Department, or if the pilot were to expressly state to the Department that he or she will not fly, and then the Department receives information that the pilot did fly, then the Department may impose a civil penalty under this rule.¶¶

(2) Intentional violation of any provision of ORS 837.015 or 837.040 to 837.060 concerning registration of aircraft may incur a civil penalty. The amount of the penalty shall be determined using the formula described in OAR 738-140-0030, where "BF" is the base fine and shall be equal to \$24.00; and "I" is the impact of the violation and, shall be equal to 1.¶¶

Example of an intentional violation of ORS 837.015: If an aircraft owner were to explicitly refuse to register their aircraft with the Department, or if the aircraft owner were to expressly state to the Department that the aircraft will not fly, and then the Department receives information that the aircraft did fly, then the Department may impose a civil penalty under this rule.¶¶

(3) Intentional violation of any provision of ORS 837.070 concerning notice of sale or transfer of registration of aircraft may incur a civil penalty. The amount of the penalty shall be determined using the formula described in OAR 738-140-0030, where "BF" is the base fine and shall be equal to \$24.00; and "I" is the impact of the violation and, shall be equal to 1.¶¶

Example: If an aircraft seller were to explicitly refuse to submit notice of sale or transfer of registration to the Department, or if the aircraft owner was aware of their obligation to submit an Oregon Aircraft Ownership Transfer Form to the Department and failed to do so, then the Department receives information that the aircraft was sold or transferred, then the Department may impose a civil penalty under this rule.¶¶

(4) Intentional violation of any provision of ORS 837.075 concerning aircraft dealer's license may incur a civil penalty. The amount of the penalty shall be determined using the formula described in OAR 738-140-0030, where "BF" is the base fine, and shall be equal to \$24.00; and "I" is the impact of the violation and, shall be equal to 1.¶¶

Example: If a person matching the description in OAR 738-005-0010(9) of an "Aircraft Dealer" intentionally refuses to submit an Oregon Aircraft Dealer's License Application with the appropriate fee, and then the Department acquires evidence of aircraft dealing by that person, then the Department may impose a civil penalty under this rule.¶¶

(5) Violation of any provision of ORS 837.080 concerning prohibited operation of aircraft may incur a minimum civil penalty of an amount computed using the formula described in OAR 738-140-0030. The "BF" is the base fine and shall be equal to \$27.50. In accordance with ORS 837.998(2), the maximum civil penalty that may be imposed under this rule is \$2,500 per violation. Violations of ORS 837.080 may also be a Class B misdemeanor as per ORS 837.990.¶¶

Example of a violation of ORS 837.080: if the Department were to receive information about a person operating an aircraft in a careless or reckless manner so as to endanger the life or property of another, or operating an aircraft under the influence of intoxicating liquor, drugs or controlled substances, then the violator would incur a civil penalty under this rule.¶¶

(6) Intentional Violation of any provision of ORS 837.085 concerning dropping articles without a permit issued by the Department may incur a civil penalty. The amount of the penalty shall be determined using the formula described in OAR 738-140-0030, where "BF" is the base fine and shall be equal to \$8.00, and the maximum potential fine equal to \$720.¶¶

Example: If the Department had issued a warning, fine, or citation to a pilot or passenger for a violation of ORS 837.085 on a previous occasion, and then the Department learns of a subsequent violation of ORS 837.085, then the violation is deemed intentional, and the pilot or passenger may incur a civil penalty under this rule.¶¶

(7) Intentional violation of ORS 837.090 concerning landings under non-exigent circumstances on public highways, grounds, closed runways, or any other place where landing is impermissible may incur a civil penalty.

The amount of the penalty shall be determined using the formula described in OAR 738-140-0030, where "BF" is the base fine, and shall be equal to \$8.00.¶

Example: If the a pilot has received information stating that a runway is closed, or that landing on a grass strip is impermissible, or if the pilot has violated ORS 837.090 previously, and then the Department receives information that the pilot did land on a closed runway or anywhere landing is impermissible, then the Department may impose a civil penalty under this rule.¶

(8) Intentional violation of any provision of ORS 837.095 concerning flying over military establishments or taking photographs of a military establishment without permission from the person in command of the military establishment may incur a civil penalty.-The amount of the penalty shall be determined using the formula described in OAR 738-140-0030, where "BF" is the base fine and shall be equal to \$8.00, and the maximum potential fine equal to \$720.¶

(9) A Vehicle/Pedestrian Deviation under OAR 738-050-0005

Statutory/Other Authority: ORS 153.022, ORS 183.745, ORS 835.035, ORS 835.112, ORS 837.998

Statutes/Other Implemented: ORS 837.005 - 837.998