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STATUTORY MINOR CORRECTION

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

RD 9-2025
CHAPTER 741
DEPARTMENT OF TRANSPORTATION
RAIL DIVISION

FILING CAPTION: Updating statutory reference

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 741-015-0080

RULE TITLE: Sanctions, Exceptions and Appeals

RULE SUMMARY: These Chapter 741, Division 15, administrative rules establish the State Rail Rehabilitation Program for the distribution of the funds and the procedures, standards and criteria for the program's operation.

RULE TEXT:
(1) The Department may impose sanctions against a successful applicant that fails to comply with the requirements governing the Program. The Department may not impose sanctions until the applicant has been notified in writing of deficiencies and has been given a reasonable time to respond and correct the deficiencies noted. The following circumstances may warrant sanctions:
(a) Activities for Projects not funded as a match for federal grants have not begun within six months of notification of the award of money from the State Rail Rehabilitation Fund;
(b) For Projects funded as a match for federal grants, the successful applicant fails to notify the Department within 30 days of federal grant decision;
(c) The successful applicant fails to meet state statutory requirements;
(d) There is a significant deviation in the Project from the Approved Project contract; or
(e) The Department finds that significant corrective actions are necessary to protect the integrity of the Program Funds for the Approved Project, and those corrective actions are not, or will not be, made within a reasonable time.
(2) One or more of the following sanctions may be imposed by the Department:
(a) Revoke an existing award.
(b) Withhold undisbursed Program Funds.
(c) Require return of undisbursed Program Funds or repayment of expended Program Funds.
(d) Bar the applicant from applying for future assistance under this Program.
(e) Any other sanction that may be incorporated into a contract related to the Project.
(3) The sanctions set forth in this rule are cumulative, are not exclusive, and are in addition to any other rights and sanctions provided by law or under the contract.
(4) The Director or the Director's designee will consider an appeal of the Department's funding decision. Only an

applicant may appeal. An appeal must be submitted in writing to the Director or the Director's designee within 30 days of the event or action that is being appealed.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 824.016

STATUTES/OTHER IMPLEMENTED: ORS 824.016