

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 Rule(s) adopted on November 10, 2009 by the

Date prior to or same as filing date
Travel Information Council

733

Agency and Division

Administrative Rules Chapter Number

Diane Cheyne

229 Madrona Ave. SE Salem, OR 97302

503-373-0871

Rules Coordinator

Address

Telephone

to become effective upon filing through
Date upon filing or later

May 9, 2010.
A maximum of 180 days including the effective date.

RULE CAPTION

Adopt a rule to permit the "Free Coffee" program in specified interstate rest areas

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

RULEMAKING ACTION

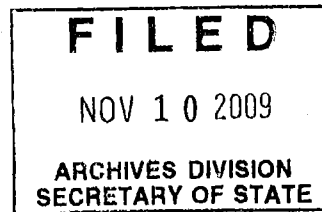
List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT: 733-030-0520

AMEND:

SUSPEND:



Stat. Auth.: ORS

Other Auth.:

Stats. Implemented: ORS

RULE SUMMARY

The Travel Information Council held a meeting on November 10, 2009. The Council adopted a temporary rule to permit the "Free Coffee" service in these rest areas - Baldock, Interstate 5, northbound; Baldock, Interstate 5, southbound; Boardman, Interstate 84, eastbound; Manzanita, Interstate 5, southbound; Ontario, Interstate 84, westbound; Santiam, Interstate 5, northbound; Santiam, Interstate 5, southbound.

Diane Cheyne
Authorized Signature

Diane Cheyne
Printed name

11-10-09
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.
ARC 940-2005

TIC 4-2009(T)

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Travel Information Council

733

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

Rule Caption: Adopt a rule to permit the "Free Coffee" program in specified interstate rest areas

Statutory Authority: Oregon Jobs & Transportation Act 2009 (HB 2001)

Other Authority:

Stats. Implemented: ORS

Need for the Temporary Rule(s): The 2009 Legislature stated in HB 2001, Section 33 that the Travel Information Council shall establish by rule a permit program allowing nonprofit organizations to provide free coffee or other nonalcoholic beverages and cookies at roadside rest areas the council is responsible for under section 32 of this 2009 Act.

Documents Relied Upon, and where they are available: Oregon Jobs & Transportation Act 2009 (HB 2001), Legislative Assembly, 2009 Regular Session

Justification of Temporary Rule(s): Failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned, as required by Oregon Jobs & Transportation Act 2009 (HB 2001).


Authorized Signature

Diane Cheyne
Printed name

11/10/09
Date

733-030-0520

"Free Coffee" Program

The "free coffee" program is a service sponsored by non-profit organizations in rest areas; permissible under federal regulations and state law; and found by the Travel Information Council, in certain instances, to be in the interest of public safety. "Free coffee" service will be permitted by the Travel Information Council in these rest areas - Baldock, Interstate 5, northbound; Baldock, Interstate 5, southbound; Boardman, Interstate 84, eastbound; Manzanita, Interstate 5, southbound; Ontario, Interstate 84, westbound; Santiam, Interstate 5, northbound; Santiam, Interstate 5, southbound, subject to the following conditions:

(1)(a) Non-profit organizations may make written requests for permission to sponsor a "free coffee" service at a specific rest area directed to the Travel Information Council not more than 60 days prior to the date(s) requested. Requests must be submitted on form "Free Coffee Program Application and Permit" available from the Travel Information Council;

(b) The non-profit organization must certify that the organization is granted non-profit status by the Internal Revenue Service (IRS) and may be required at the discretion of the Travel Information Council to provide a copy of the IRS determination letter;

(c) The Travel Information Council will grant permission for the activity by way of a standard permit issued to the selected non-profit organization. The selection will be made not less than 30 days in advance of the date(s) requested from all written requests received, and will be based on a random drawing conducted by the Travel Information Council if multiple requests for the same date(s) and location are received. For purposes of issuing permits, if a rest area is sited on both sides of the highway, each side of the rest area will be considered a separate location;

(d) Permits will be issued in 24-hour increments with a maximum of 72 hours. No more than three permits will be issued to one organization in a calendar month;

(e) Only one organization will be granted a permit for a rest area location for any particular date or time;

(f) The Travel Information Council may decline to issue any permits for a particular rest area or for any particular date or time; and

(g) A copy of the permit must be on-site during operation of the "free coffee" service.

(2) The "free coffee" service will be located in a designated area of the rest area. The area will be designated by the Travel Information Council. The service is not permitted to obstruct access to any building or other structure in the rest area. The area is to be kept neat and free of litter, cups, etc., associated with the service.

(3) The distribution of "free coffee" may include coffee, other non-alcoholic beverages and cookies but may not include other food items. Cookies offered must come from a licensed facility. The non-profit organization shall comply with all state and local health department rules and regulations. For the purposes of this rule, "cookie" will include brownies but not cake, bagels, donuts, coffee cake, candy bars, or other similar items.

(4) Carbonated beverages shall not be distributed under the "free coffee" program in rest areas where carbonated beverages are available in vending machines.

(5) Coffee, other non-alcoholic beverages and cookies are to be free of charge to the public. Donations may be received by the non-profit organization but not sought or requested, except for the allowed use of one opaque container with the words "donations" or "contributions" in a maximum of one-inch letters.

(6) No more than two signs or posters with a maximum area of ten square feet each may be used to identify the "free coffee" service and the non-profit organization by name only i.e. "Free Coffee -- Served By -- (organization name)". Signs or posters may only be placed in the area designated for the service including on vehicles within which the service is provided, and must be removed when the service is closed and upon expiration of the permit. No signs are to be placed outside the rest area confines by the organization other than official "Free Coffee" signs that may be provided by the Travel Information Council.

(7) The non-profit organization is responsible for all products and supplies necessary to provide "free coffee" service in the rest area including any extraordinary costs incurred by the Travel Information Council as a result of this service. The Travel Information Council may provide access to limited electricity and water as determined by the Travel Information Council.

(8) Permits are not transferable and are revocable for non-compliance with any state statute, rest area rules, or the terms of the permit. Repeated failure to comply with the rules and regulations may result in non-profit organization's forfeiture of right to future participation in the program.

Stat. Auth.: Oregon Jobs & Transportation Act 2009 (HB 2001)