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Oregon Department of Aviation Administrative Overview October 2001

Introduction

The Oregon Department of Aviation maintains responsibility to develop aviation as an integral part of a combined state transportation network while drafting and implementing procedures and programs to ensure the safety of the aviation industry within Oregon. Additionally, the Department encourages economic growth associated with the aviation industry, supports education and safety issues related to aviation, and works to increase both general and commercial aviation traffic and assets within Oregon per ORS 835.

History

The genesis of Oregon's Department of Aviation occurred in 1921 when the Oregon State Board of Aeronautics (OL 1921, CH. 45) was established. Oregon proved a national leader in the development and regulation of the aviation industry having created the first governmental agency in the United States having authority to regulate aircraft and pilots. Funding for the Board was provided by assessing fees for the issuance of pilot certifications and aircraft registrations.

The Board of Aeronautics contained five positions filled by executive appointment. Initially, the Governor appointed one member for a one-year term, a second member for two years, a third for three, and so forth. Every year after the initial Board appointments the Governor would appoint a member to fill vacancies and would make appointments whenever an individual proved unable to complete their term. The Board retained the power to administer oaths, take affidavits, summon witnesses, and take testimony regarding matters related to the Board's duties. While members of the Board did not receive payment they received \$.05 per mile for travel expenses when on Board business and were reimbursed for other incurred fees.

From April through September the Board met the second Tuesday of the month. In addition, the Board could meet any time it was deemed necessary by the members in a place and time of their choosing. The Board was tasked with issuing certificates of registration, allowing candidates to operate/navigate aircraft within Oregon.

Pilot examinations were either written or oral and encompassed the aspects of mechanics, which applied to aircraft and the theory of flight, rising, landing, and air pockets and currents. In addition, a candidate had to possess the necessary moral and physical characteristics to safely operate aircraft. A minimum age of 18 was set for the issuance of pilot certificates, which were awarded or denied by a majority recommendation of the Board. A \$15.00 examination fee was charged to all applicants. In addition, pilots were required to pay a yearly registration fee of \$10.00 to maintain their registered pilot status. All monies collected by the State Aeronautics Board were placed in the General Fund and credited to the Board, which could draw on the reserves to meet its expenses.

The passage of O.L. 1923 CH. 186 established the power of the State Aeronautics Board to register aircraft within Oregon and assess annual registration fees of \$10.00 per aircraft. Aircraft were registered with the Secretary of State, who in turn issued metal registration plates for mounting on aircraft. O.L. 1923 CH. 202 amended O.L. 1921 CH. 45 whereby all pilot applicants had to be citizens of the United States, it reduced the examination fee to \$5.00, and placed full power and authority for the enforcement of aviation related laws in the hands of all law enforcement agencies, bodies, and officers within Oregon.

In 1925, the Legislative Assembly passed O.L. 1925 CH 386 which required numerous agencies and boards, including the State Board of Aeronautics, to provide ten percent of their collected revenues to the state general fund.

In 1931, O.L. 1931 CH. 218 amended the organization of the State Board of Aeronautics by providing for the Board's first paid position. The inspector was to ensure that all rules, regulations, and statutes pertaining to aviation were observed within the state by industry participants. CH. 218 also established a 30-day time limit after arrival to register aircraft with the state. In addition, CH. 243 made it illegal to use beach, defined as the strip of land which lay between the high water and low water marks, as a landing area without the express permission of the Oregon State Highway Commission. Enforcement was vested with agencies responsible for enforcing the rules and regulations of the road with unauthorized landings classed misdemeanors and punishable by a \$500 fine, 90 days in county jail, or both. All sales of fuel for aviation use, unless military in nature, were subjected to a \$.01 per gallon tax to be paid into the general fund and credited for use by the Aeronautics Board (CH 165).

O.L. 1937 CH 319 vested the State Aeronautics Board with the authority to establish aerial safety zones adjacent to airports and airfields. The State Aeronautics Board had the authority to eliminate structures and obstructions deemed as posing a threat to air traffic and to prevent the construction of future potential obstructions. Objects were deemed a hazard if they rose more than 1 foot above the field's elevation for every 15 from the field they stood. Thus a 5-foot high fence at 60 feet from the runway would be deemed an obstruction. In addition, aeronautic training facilities were identified as vocational schools under the direction of the Superintendent of Public Instruction (CH 413).

Throughout the years of World War II, the State Board of Aeronautics supported the war effort by cooperating with and supporting the Civil Air Patrol in Oregon by providing unrestricted access to Oregon's aviation assets.

The 1947 airplane crash which claimed the lives of the Governor, Secretary of State, and Senate President provided the impetus for establishing Oregon's Search and Rescue coordination efforts under the direction of the State Aeronautics Board. The Air Marking program, intended to provide safety and information for pilots by providing recognizable navigational aids and interrupted by World War II, continued with 182 communities marked by the end of 1947. In 1947 the State Board of Aeronautics

completed and issued its first airport map and directory. The members of the State Board of Aeronautics began receiving \$10 per day compensation for each day the board met or members were involved in conducting board business under O.L. 1947 CH 497. In addition, O.L. 1947 CH 497 charged the State Board of Aeronautics with creating a definitive plan for the development of Oregon's aviation industry. O.L. 1947 CH 497 is the origin of the current Department of Aviation's engineering program enacted by Oregon in anticipation of a Federal Airport/Aviation Act. O.L. 1947 CH 497 Section 45 established dedicated, full time positions of Director and executive secretary in charge of all Board offices, reports and responsible for executing contracts.

In 1949 guidelines were established concerning the licensing of aircraft dealers, including issuance of dealers licenses for a \$50.00 fee (O.L. 1949 CH 324). Furthermore, CH 324 defined two classifications of aircraft for registration purposes. Aircraft 2000 pounds or less were registered annually for \$5.00 while aircraft in excess of 2000 pounds were registered for \$10.00 per year. Due to the incorporation of flight training into the postwar GI Bill, regulations were formulated for approval of flight schools. However, investigating authorities found that a 1937 act provided for flight schools to fall under the Superintendent of Public Instruction's authority. The State Aeronautics Board assumed responsibility for regulating aeronautical schools through licensing and inspection (CH 324 Section 11). In addition, the Legislative Assembly mandated that any person or place of business at an airport that stores and or dispenses fuel shall be licensed and regulated by the state (O.L. 1949 CH 385 section 42).

In 1951, regulation began of aerial application for certain chemicals and other substances used by the agriculture industry (O.L. 1951 Ch. 645). In addition, CH 569 established regulations concerning the spraying of forested lands and provided for imposition of penalties. The law addressed the regulation of pilots, established a requirement for bonding in case of property damage, and established bidding criteria with preference given operators and businesses residing in Oregon when bidding jobs contracted by the State Forester. CH 543 O.L. 1947 was amended to provide for limiting agreements for sub-contracting services at state owned aviation facilities to 30 years or less.

In 1953 O.L. 1951 CH 645 was repealed regarding pesticide and herbicide application by aircraft (O.L. 1953 CH 496). Certification of pilots, methods of operation, and equipment regulation were clearly defined and regulated thereby providing the oversight necessary for a previously ad hoc industry.

By 1954, Oregon had 11 State-owned Airports.

In 1955 \$25,000 was budgeted for the planning, construction, landscaping, and equipping of an office building and hanger for the State Board of Aeronautics to be located at Salem Field (O.L. CH 186). Oregon owned 13 airports. By 1957, Oregon owned 15 airports and had installed and provided maintenance for 195 air markers since 1947, which provided safety and information for pilots.

In 1963, Oregon raised the pilot license fees to \$50.00 (O.L. 1963 CH 105). This marked the first change in pilot licensing fees since 1923.

In 1969 the Aeronautics Division of the Department of Transportation was established by placing the State Board of Aeronautics under the Department of Transportation and creating the position of Aeronautics Administrator, formerly the Director of Aeronautics.

In 1973 the State Board of Aeronautics was decommissioned with its support staff reorganized into the Aeronautics Division of the Oregon Department of Transportation (O. L. 1973 CH 249 Sec 62). Pilots

are required to possess a pilot certificate of competency issued by the appropriate federal agency (OL 1973 CH 312 Sec 1).

In 1975 aircraft are defined in statute to include any flight capable contrivance except powerless gliders launched from earth by the pilot and capable of carrying a single individual OL 1975 CH 302 Sec 1). The beginning of fee assessment in connection with the approval and certification of airports was instituted allowing collection of thirty-five dollars (O. L. 1975 Ch302 Section 3).

In 1977 Oregon established a fee schedule for aircraft registration based upon aircraft type with fees ranging from twenty-five dollars for a sailplane to one hundred twenty five dollars for a fixed wing multi turbo jet engine craft (O.L. 1977 CH 349). Pilots are now required to renew their pilot registrations on a biannual basis (O.L. 1977 CH 398).

In 1983 the rate schedule for aircraft registration was increased (O.L. 1983 CH 448).

In 1985 Ultra lights were classified as aircraft and required to register with the state (O.L. 1985 CH 346).

O.L. 1995 CH 655 defined seaplanes, their use, and placed the regulation upon state waters under the control of the Oregon Transportation Commission.

A new, simplified, and increased fee schedule for registering aircraft was adopted as was a new fee schedule with increased rates for the inspection of proposed airport sites (O.L. 1997 CH 585). The responsibility for establishing and maintaining a Search and rescue program for lost aircraft moved from the Department of Transportation to the Oregon Emergency Management, a division of the State Police (O. L. 1997 CH 263).

In 1999 the Oregon Department of Aviation was established (O. L. 1999 CH 935. In addition, the State Aviation Board was established.

In 2000 the Department of Aviation began operations.

Current Organization

Currently the Department of Aviation is organized into five program areas, which provide oversight, inspections, development, and implementation of a broad range of programs and services dedicated to ensuring safety, efficiency, and effectiveness within Oregon's aviation community.

Division Programs and Functions

Statewide Services

The Statewide Services program provides management and strategic direction to the Department. In addition, Statewide Services monitors and develops aviation-related legislation and is responsible for providing information and departmental outreach.

Aircraft and Pilot Operations

Pilot and Aircraft Operations register aircraft, pilots, and aircraft dealers residing within Oregon.

Airport Safety & Operations

Airport Safety and Operations conducts site investigations for all proposed airport and heliport sites, oversees airport registration and licensing, provides technical assistance, and conducts FAA required airport safety inspections.

Aviation Planning

Aviation Planning conducts or contracts planning for aviation system development and land use planning which impact airports throughout Oregon.

State-owned Airports

The State-owned Airport program manages all aspects relating to the use of Oregon's State-owned Airports including the coordination of construction projects, oversight of leases and agreements, and inspecting for compliance to leases and agreements between the Department of Aviation and lease/agreement holders.

Boards

The State Aviation Board works through the Oregon Department of Aviation to develop airports, state airways, aviation industry, and general aviation issues, matters, and interests in Oregon. The State Aviation Board provides direction and oversight to the Department of Aviation and is composed of five Governor appointed, senate confirmed members. Members are appointed with consideration given to geographic divisions within Oregon with a member from east of the Cascades.

Advisory Committees, Commissions, and Councils

The Aviation Advisory Committee provides advice to the Oregon Department of Aviation on aviation policy matters. The State Aviation Board appoints the 9-member committee with a member from each of Oregon's five congressional districts required. The remaining four appointments are made from Oregon's population at large. Appointments are to cover a broad range of public and aviation interest backgrounds.

Chronology

- 1921 Oregon State Board of Aeronautics Established
Requirements and testing established to qualify pilots
- 1923 Aircraft registration within Oregon begins.
- 1925 Ten percent of fees assessed by Aeronautic Examiners diverted to state general fund.
- 1947 Oregon's Governor, Secretary of State, and Senate President die in a private aircraft accident.
This leads Oregon's Legislature to designate the Aeronautics Board responsible for establishing a Search and Rescue, SAR, program in Oregon.
- 1969 The Division of Aeronautics established within the Department of Transportation. The division consists of the Oregon State Board of Aeronautics and an Aeronautics Administrator, which is a dedicated position.
- 1974 The State Board of Aeronautics disbanded with support personnel reorganized under the Aeronautics Division of the Department of Transportation.

- 1991 First Oregon Air Fair held
Oregon Aviation Alliance organized
- 1993 Computerized program measuring the condition of airport pavements instituted
- 1994 SAR responsibilities transferred to the Office of Emergency Management, a division of the Oregon State Police.
- 1998 Development commences of the Oregon Aviation Plan.
- 1999 SB 108 passes, removing the Aeronautics Division from ODOT and establishing the Department of Aviation
- 2000 The Oregon Department of Aviation commences operations

Primary Agency Administrative Rules and Statutes

ORS 835 Aviation
ORS 836 Airports and Landing Fields
ORS 837 Aircraft Operations
ORS 838 Airport Districts
OAR Ch.660 Div. 12 Public Facilities Planning
OAR Ch.660 Div. 13 Transportation Planning
OAR Ch.738 Oregon Department of Aviation

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