

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

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**Jo Ann Hardesty** Commissioner **Chris Warner** Director

February 4, 2021

Representative John Lively, Chair  
House Economic Recovery and Prosperity Committee  
900 Court St. NE, HR C  
Salem, OR 97301

Dear Chair Lively and Members of the Committee,

The City of Portland opposes HB 2613, which will have a significant impact on how the City of Portland reviews, issues and permits utility infrastructure. The City has existing standards for placement of public utilities in the right-of-way. This bill creates unnecessary coordination issues, timelines, and an unfunded mandate.

The level of coordination required by HB 2613 would slow down permitted projects, open the City to risk by favoring one industry over another in accessing the right-of-way and introduce shot clocks without a system to notify, track, or monitor this requirement. Moreover, these time frames will likely create conflicts with existing shot clocks for wireless facility reviews already mandated by the FCC. The language in the bill is vague about who should get notice and even what projects should be noticed. For example, the bill requires the jurisdiction to provide notice of a permit if it “involves terrain that is difficult or expensive to traverse.” The terms “difficult” and “expensive” are subjective and not within the scope of a jurisdiction’s staff to determine.

The mandates in HB 2613 are unnecessary and create an unrealistic timeframe for meaningful review of permit requests, requiring additional taxpayer dollars and staff to fulfill. If the industry does have concerns about permitting, wireless applicants should work with specific municipalities to identify and work out localized solutions to permitting issues.

Prohibiting the City from requiring telecommunications providers to prepare plans detailing the depth and location of other underground facilities will increase the chance that critical infrastructure will be damaged during construction or repair. Knowledge of exact locations of underground infrastructure is essential to avoiding accidental damage. Infrastructure like water and sewer pipes must be accessed in emergencies without barriers. This is why we do not allow anything placed within 3-5 feet of a pipe in the right-of-way. Telecommunications providers



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should always be clear about where underground facilities are, especially given the proximity to other vital City infrastructure.

While the City supports increased connectivity, joint trenching and coordination - and has made strides to do so - this bill will slow down projects and require additional funding and staff. The City of Portland urges you to oppose HB 2613. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Chris Warner". The signature is fluid and cursive, with the first name "Chris" and last name "Warner" clearly legible.

Chris Warner  
Director, Portland Bureau of Transportation

A handwritten signature in black ink that reads "Elisabeth H. Perez". The signature is elegant and cursive, with the first name "Elisabeth" and last name "Perez" clearly legible.

Elisabeth H. Perez  
Interim Director, Office for Community Technology