



March 24, 2021

Representative Pam Marsh, Chair
House Energy and Environment Committee
900 Court Street NE, HR D
Salem, OR 97301

Dear Chair Marsh and Members of the Committee,

The City of Portland opposes HB 3181, which would require paint used for marking underground facilities to be temporary marking paint and would make the owners of underground facilities liable to private property owners for costs associated with removing paint. The City of Portland maintains and operates several underground facilities, including street light control systems, and drinking water and wastewater pipes and infrastructure. We take very seriously the obligation to protect public health and to use limited public resources efficiently – this bill would make both of those missions more challenging.

State law requires that all underground infrastructure utilities and infrastructure owners must mark (locate) their facilities and maintain those markings as needed when necessary to ensure the safety and public health is not compromised when there is the potential for any underground construction work. While the City is committed to performing our obligations under the law, we also have a duty to be as fiscally responsible as possible with taxpayer and ratepayer dollars.

During both the design and construction phases of public Capital Improvement Projects (CIP) it is necessary to call for design locates and construction locates to ensure there are not conflicts with other private and public facilities. The process of locating City assets is not an insignificant cost to the development and construction of City infrastructure, but is necessary to protect underground infrastructure from accidental damage during construction and repair work.

While we understand the intent of HB 3181 is to require the use of locating “paint” that will fade quickly once construction is complete so as to reduce visual clutter, given the region’s general rainy weather, the cost implications to the City if we were to use “temporary paint” would be significant. CIP projects generally take a lengthy amount of time to develop and there can be a substantial amount of time between the call for locates and the surveying and engineered design of a project. Any locating paint needs to have longevity. Additionally, the City has attempted to utilize non-permanent locate paints, and unfortunately, they do not work well in our climate.

Under HB 3181, the City would need to commit additional resources and spend more public dollars to ensure the markings are sustained after each rain/storm event - resources the City does not have.

For these reasons, the City of Portland urges you to oppose HB 3181. Thank you for your consideration. If you have any questions regarding these comments, please contact Eric Noll at eric.noll@portlandoregon.gov or at 503.823.6726.

Sincerely,



Michael Jordan, Director
Bureau of Environmental Services



Chris Warner, Director
Portland Bureau of Transportation



Gabriel Solmer, Director
Portland Water Bureau