

## TRN-10.19 - Utility Permits in the Right-of-Way

### UTILITY PERMITS IN THE RIGHT-OF-WAY

*Administrative Rule Adopted by Bureau of Transportation Development and Capital Program Pursuant to Rule-Making Authority*

ARB-TRN-10.19

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#### I. Definition

Any person desiring to make a public improvement, do work in, or use the street area must first obtain a permit from the City Engineer as prescribed in Title 17. Utility permits are issued to franchised utilities, the Bureau of Water Works, the Bureau of Environmental Services, and Street Lighting and Traffic Signals sections of the Office of Transportation. Utility permits are required for installation, reconstruction, or repair of utility service facilities within the public right-of-way. Utility mains, services connections, conduits and utility poles are examples of installations requiring permits from Portland Bureau of Transportation, Street Systems Management.

#### II. Administrative Rule

Prior to issuance of Street Opening permits, plans must be submitted as outlined below and meet the requirements for each type of permit as described in this Rule.

**Street Opening Permit** (For Public utilities installed under a PBOT project see *"Public Infrastructure Installed within a PBOT Project"* below)

Provide five copies of plans showing proposed work, plans shall be submitted in a manner that includes the requirements as listed here:

1. The plans must include the name of the utility company that will own and maintain the proposed facility, a contact person's name and phone number, an assessor's map number (quarter section number) and a north arrow, to the top of the page, if possible.
2. Provide a cross section of the trench or otherwise indicate the depth of cover over the installation. There is a required 36" minimum, except for cable TV (18" when 4' or more behind the curb and 24" when in the street) and gas (30" anywhere in the right-of-way).
3. Place all installations parallel or perpendicular to the right-of-way.
4. Place installations a minimum of 5' from the edge of sewer facilities, 4' from the edge of water facilities and 3' from either side of the face of the curb.
5. Specify the size, number and type of the proposed installation. Show and label any existing facilities as they relate to the proposed work.
6. Dimension installations from the right-of-way lines. Dimensions from the curb or edge of pavement can be shown in addition, but must not be used exclusively unless the right-of-way cannot be identified.
7. Label streetnames, curbs and right-of-way lines.

#### **Placement of Underground Structures**

Pre-cast vaults proposed for use in the right-of-way must be on the structural engineer's pre-approved list. Vaults poured on-site or vaults not listed on the pre approved vault list are reviewed by the City's structural engineer before approval. Plans and calculations must be provided for each vault and must carry a current Oregon Registered Professional Engineer's stamp.

Where sufficient space exists in the street area and the utility cannot demonstrate a reason to do otherwise, vaults will be located in the street area.

Vaults placed in public sidewalk will require adjacent property owner written consent, except those vaults placed for the exclusive benefit of the abutting property.

Public sidewalk area vaults require non-slip lids per City of Portland Standard Construction Specification 308.2.07.

Vault access doors must not be placed in sidewalk corners or pedestrian through zones (see Pedestrian Design Guide). Place doors in the furnishing zone or planting strip. Exceptions can be made if the utility can satisfactorily demonstrate that no other option is available.

Vault lids must not be placed in crosswalks, bike lanes or the vehicle wheel paths of traffic lanes. Exceptions may be granted,

if the utility can demonstrate that no other option is available.

Utility vault vent grates must be placed in the sidewalk furnishing zone or frontage zone only and not in the pedestrian through zone of public sidewalks.

Abandonment of vaults must be accomplished by removal of the entire vault; or removal of the lid, breaking a hole in the bottom, breaking down the walls to five feet below grade and filling with pea gravel or acceptable equivalent. Street restoration will be by current City standards.

### **Above Ground Structures**

An Above Ground Structure (AGS) is defined as a utility cabinet or other structure mounted on the ground that is or contains equipment for the monitoring or control of a utility's infrastructure. AGS does not include antennas, utility cabinets or related equipment mounted on a utility pole, traffic or street light pole. The approval criteria for obtaining a permit for an AGS is dependent on the requesting party as either a "Private" or "City Bureau" entity.

A "Private" utility is a non-City of Portland bureau which has a franchise or other right to provide a commodity or service, such as natural gas, electricity, or telecommunications, to the public within the City of Portland.

A "City Bureau" utility is an organization that maintains the infrastructure for a public service (often also providing a service using that infrastructure) such as Water Services, Sewer, Parks, and Signals and Street Lighting Systems.

### **General Conditions for Approval:**

Effective upon enactment, the following guidelines for AGS for utilities shall be in effect. The guidelines for both Private and City Bureau utilities for approval of a permit are as follows:

- 1) All AGS must be permitted to be allowed in the right-of-way subject to these administrative rules. PBOT shall apply these administrative rules to all utilities in a nondiscriminatory manner.
- 2) All AGS's shall be subject to Portland City Code requirements for relocation and removal of facilities.
- 3) All AGS's must meet standards for structural integrity and traffic safety.
- 4) Each AGS must display on a lower corner of the AGS, in a 3" by 5" area (maximum) the following information: (1) the name of the company who own owns the AGS, (2) Contact information for the AGS owner. A logo for the company may be the name of the company who owns the AGS.
- 5) An AGS review is required for all "City Bureau" and "Private" AGS proposals. The cost of an AGS review and any permit fees are outlined in and published within PBOT's annual fee schedule and are adjusted annually.

AGS will not be allowed for the following:

- 1) Above ground pad-mount transformer vaults and pedestals are not permitted in the public right-of-way. All such requests will be denied. In newly annexed areas and unimproved rights-of-way, existing pedestals will be allowed to remain in place until such time as they require replacement, where maintenance will not be considered replacement, or when construction or reconstruction of that street occurs.
- 2) In Underground Wiring Districts or in areas where all other utilities are required to be placed underground.

In addition:

- 1) Bollards or other devices designed to protect an AGS will not be allowed.
- 2) No company or corporation logos are allowed on the AGS except for what is allowed in Section 4 of General Conditions for Approval (name of company that owns the AGS).

### **Conditions for "Private" Utilities:**

For a "Private Utility" request, PBOT will review each on a case-by-case basis. At the 30% design phase the utility shall show all proposed locations for the placement of an AGS, and shall conform to the following criteria:

- 1) Applications for placement of AGS's shall include a "Pre-Application Consultation" with PBOT at the 30% design phase (or sooner). Requests for a "Pre-Application Consultation" can be submitted to the PBOT Utility Section for review.
- 2) Exterior shall be painted a muted or monotone color.
- 3) The Utility shall maintain, in a prompt and timely manner the visual exterior of the AGS infrastructure (paint, graffiti removal, damage mitigation, et cetera).

- 4) The following location criteria shall be used to evaluate the proposed AGS facility:
  - a) Maximum of one private utility AGS allowed per 200 feet of street frontage.
  - b) Minimum of 25 feet from the property corner of a lot where two streets intersect.
  - c) Minimum 5 feet clearance from traffic signs and other encroachments in the public right of way (street furniture, public infrastructure, etc.).
  - d) Maximum of 4 feet tall excluding a maximum 6 inch riser. The total square footage of the cabinet, excluding any riser if present, should be 4 square feet.
  - e) Minimum setback of 18 inches from face of curb.
  - f) The AGS must fit entirely within the furnishing/frontage zone.
  - g) Must be located a minimum of 10' outside of any driveways or pedestrian ramps including wings of both.
  - h) Placement of the AGS must be on the property line extended (+/- 2 feet). This means extending where a property line would be into the right-of-way to determine location.
  - i) Must be located on any street classification other than a Local Service street as defined in the City's Street classification database.
  - j) No AGS's will be allowed on an unimproved street.
- 5) All "Private" AGS facilities require:
  - a) The AGS and its power supply meter, if needed, shall be combined in one AGS. If this is not possible, applicant may apply for a variance or other arrangements made with the power provider.
  - b) The power supply for the AGS shall be underground (i.e. power must not be supplied from above).
  - c) Crash test rated and verification of rating provided.
- 6) For AGS located in right-of-way encompassed by a park or on Terwilliger Parkway, the application will be processed in coordination with PP&R staff for placement and mitigation to protect scenic areas or sensitive natural areas.
- 7) The Utility shall demonstrate that the appropriate Neighborhood Association and District Coalition and the adjacent property owner have been notified of the request to place an AGS at the proposed location. PBOT requires providing a 30 day notice to allow for an adequate time for notification to occur.
- 8) If an AGS is permitted within the public right-of-way, no advertising may be located on the AGS except for what is allowed for in Section 4 of General Conditions.

If all the criteria detailed in this section are met, PBOT may issue a permit to the "Private" utility for an AGS in the public right of way.

#### **Variance for a "Private" Utility Request from the Above Ground Structure Criteria:**

If any of the above criteria has not been met, the "Private" Utility can request a variance from the AGS policy. A Design Exception must be submitted for a variance request and the process is as follows:

- 1) Demonstrate that the infrastructure is unable to be placed in a below grade vault.
- 2) Demonstrate (in writing) that a private utility easement was sought from the adjacent property owner. The applicant, for example, could provide a copy of a certified letter sent to the property owner.
- 3) Demonstrate that they have notified the adjacent property owner of the Utility's intention to place the above ground facility in front of their property. PBOT requires providing a 30 day notice to allow for an adequate time for notification to occur.
- 4) Demonstrate that the placement of the above ground facility is located within the public ROW at a safe location with respect to the traveling public.
- 5) If the variance is granted, the Utility will execute a utility permit for the above ground facility.

If the Director of the Portland Bureau of Transportation (PBOT Director) is satisfied that the Utility has complied with these requirements and the PBOT Director agrees that the variance request is in the best interests of the City, the PBOT Director may approve the issuance of a utility permit for the above ground facility.

The PBOT Director may review such applications on a case-by-case basis. The PBOT Director is committed to reviewing and responding to such requests from the Utility within a 2 to 3 week timeframe. This timeframe may vary depending upon work load and budgetary constraints.

#### **Conditions for a "City Bureau" Utility:**

This outline details PBOT's policy regarding the allowance of Above Ground Facilities within the public right-of-way (ROW) for City Bureau Infrastructure. PBOT will review each request on a case-by-case basis.

- 1) Applications for placement of AGS's requires a "Pre-Application Consultation" with PBOT at the 30% design phase (or sooner). The fee for this consultation shall be included once a permit application has been approved for a public entity. Transit and PBOT AGS facilities will be reviewed separate for this policy.
- 2) Requests for a "Pre-Application Consultation" shall be submitted to the PBOT Utility Section for review.
- 3) Exterior shall be stainless steel.
- 4) The Utility shall demonstrate the ability to maintain, in a timely manner, the visual exterior of the AGS infrastructure (paint, graffiti removal, damage mitigation, et cetera).
- 5) For AGS located in right-of-way encompassed by a park or on Terwilliger Parkway, the application will be processed in coordination with PP&R staff for placement and mitigation to protect scenic areas or sensitive natural areas.
- 6) The following location criteria shall be used to evaluate proposed AGS facility:
  - a) Minimum of 25 feet from the property corner of a lot where two streets intersect. Exceptions given for Transit and PBOT AGS facilities.
  - b) Minimum 5 feet clearance from traffic signs and other encroachments in the public right of way (street furniture, public infrastructure, etc.).
  - c) Maximum of 6 feet tall excluding a maximum 6 inch riser. The total square footage of the cabinet, excluding any riser if present, should be 9 square feet Minimum clearance of 18 inches from face of curb.
  - d) The AGS must fit entirely within the furnishing/frontage zone.
  - e) Must be located a minimum of 10' outside of any driveways or pedestrian ramps including wings of both.
  - f) Must demonstrate that the AGS placement does not block visual site distance for vehicles.
  - g) Placement of the AGS must be on the property line extended (+/- 2 feet). Exceptions given for Transit and PBOT AGS facilities.
  - h) Allowed on any street classification.
  - i) Allowed on an unimproved street.
  - j) Demonstrate the facility is sited within the public ROW at a location that mitigates the visual impact of the facility.
- 7) All City Bureau AGS facilities require:
  - a) The AGS and its power supply meter, if needed, shall be combined in one AGS or other arrangements made with the power provider.
  - b) The power supply for the AGS shall be underground (i.e. power must not be supplied from above).
  - c) Crash test rated and a verification of rating provided.

If all the criteria detailed in this section are met, PBOT may issue a permit to the City Bureau for an AGS in the public right of way.

#### **Variance for a City Bureau Request from the Above Ground Structure Criteria:**

If any of the above criteria is not been met, the City Bureau may request a variance from the AGS policy. A Design Exception must be submitted for a variance request and may be reviewed/responded to within 2 weeks of submittal. If the Design Exception is approved PBOT may then issue a permit to the City Bureau for an AGS in the public right of way.

#### **Exceptions to Above Ground Structures Regulations:**

City Bureau and Private utility infrastructure allowed to be placed above ground, but are exempted from the AGS policy are as follows:

1. Electrical power and telecommunication poles
2. Fire hydrants
3. Water Quality Sampling Stations
4. Natural Gas or Air Relief Valves
5. Signals and Street Lighting equipment
6. Public transit facilities.
7. Natural Gas meters, if the placement of the meter is attached to and within 1 foot of a building face and meets the American for Disabilities Act criteria for placement.

#### **Utility Pole Placement Permits**

City policy directs that utility poles should be placed on the extended property line.

Exceptions are granted if a sewer lateral, driveway, or other conflicts exist with the pole placement. One other possible exception is the need for placement of a guy anchor at a street corner, requiring the adjacent pole to be placed away from

the corner. If the pole is not placed on the extended property line, the utility must obtain abutting property owner written consent. Street lighting poles may be placed at any location without property owner consent.

Guy poles are permitted the same as power/telecommunication poles. No permit is required for guy anchors.

Poles must be placed leaving the minimum clearance on sidewalks per ADA requirements.

Poles relocated 40 feet apart or greater are permitted as two poles: one removed and one placed.

Poles proposed to carry cell equipment of a non-franchised wireless telecommunications provider will not be permitted.

### **Wireless Telecommunication Facilities**

Proposed wireless telecom facilities are reviewed and permitted as with any other utility installations and must meet the standards of the City regulating such construction.

The facilities placement will also be regulated by the terms and conditions set forth in the Right-of-Way Agreement entered into between the City and the Telecom provider.

### **Pay Phone Permits**

The Office of Transportation issues permits for the placement of pay telephones in the public right of way.

Permits are also issued for the removal of existing payphones.

Requests for a phone booth are the same as for other utility installations in the public right-of-way with the following exception: prior to approving the request, a site visit by a City inspector or technician is required to verify that the payphone location meets clearance and sight distance requirements.

If the location meets clearance requirements, a copy of the application will be forwarded to the District Traffic Engineer for approval of sight distance requirements. If it does not meet clearance requirements, it will be returned to the applicant with an explanation.

Payphone applications must be accompanied by an underground wiring installation permit request when in an underground wiring district. All separate wiring permits shall be issued to the authorized telecom provider who will pay the appropriate utility permit fee. The fee for each payphone installation or removal permit is the minimum utility permit fee and is paid by the applicant when the permit is issued.

1. Permit applications shall be on a first come, first issued basis. If the payphone is not installed within 180 days of permit issuance, the permit is void and no extensions or new permit for that location shall be issued to the same permittee, unless approved by the City Engineer.
2. Payphones shall be placed in the furnishings zone adjacent to the curb. No portion of the payphone may be within two feet of the curb.
3. Payphones shall not exceed 9 square feet with no single dimension greater than three feet. Phone equipment shall meet ADA requirements (this is the applicant's responsibility to determine).
4. Payphones shall not be placed on any sidewalk less than twelve feet in gross width and Pedestrian Guidelines or a minimum of 6ft shall be maintained.
5. No more than one payphone is allowed within 100 feet of the intersection of any two streets and within 200 feet of another payphone in the public right-of-way. Double phone booths will be allowed.
6. Payphones on the LRT station platforms or integrated into Tri-Met shelters require our permit.
7. Payphones placed on the transit mall, a light rail transit platform or bus shelter must have the approval of Tri-Met. No freestanding payphones are allowed on the 5th and 6th Avenue Transit Mall.
8. Payphones shall not be placed within 5 feet of: any building doorway extended from the property line to curb; the intersection of any sidewalk with another sidewalk measured from the back of the sidewalk; any portion of a handicapped access ramp, whether on private property or public right-of-way; any portion of a driveway, including the wings; any handicapped parking zone or transit zone.
9. Payphones shall not be allowed on the right-of-way abutting residential property zoned R2 or less dense (i.e. R2.5, R5, R7, R10, R20, FF, etc.).
10. Payphones may not be placed adjacent to existing restaurants as they may interfere with sidewalk cafe operations. Pay phones will not be removed if installed prior to the restaurant locating on abutting property or installed prior to July 1, 1995.

11. Payphones shall be at least 4 feet from any fire hydrant, ornamental street light pole or traffic signal equipment (including poles and controller boxes), and all standard utility clearances shall apply.

12. At locations where booths have been removed at the City's request, the company who removed the booth will have the first option to replace a booth at the site. A current list of the removed phone booths can be obtained from the Cable and Franchise Office.

**A variance letter is required whenever:**

Placement of an underground facility is less than the minimum required separation from sewer, water, or curb.

Installation of facilities requires cutting roadway paved within five years (example: Maintenance Bureau overlay)

Any other proposed utility installation that does not conform to City Code or Administrative Rules.

Letters requesting a variance should be addressed to:

Operations Manager  
Street Systems Management  
1120 SW 5th Avenue, Rm. 800  
Portland, OR 97204-1971

Letters should include the reason for variance, the description and location of the proposed work and separation offset change. All foot-lines shall be identified.

For pavement moratorium, identify street paved and date paved (within the past five years).

**Verbal Permits**

1. The utility must demonstrate that existing service has been disrupted. This verbal approval is for **emergencies only**.
2. The utility will request a verbal permit at least 24 hours before starting work.
3. The applicant will describe work to be done, give reason for emergency street opening and exact date and time work will begin. A faxed site plan with this information is preferred.
4. The applicant will give this office three copies of the permit application, with the Water Bureau stamp, within two business days from date permission to work is granted.
5. If applicant submits copies later than two days, the fee may be doubled.

**Public Infrastructure Installed within a PBOT Project**

1. For BES infrastructure installed under PBOT CIP projects, concurrent with the 3rd Utility Notice, the PBOT design engineer or PBOT PM (on Consultant projects) will send an e-mail to the [PBOTUtilityPermits@PortlandOregon.gov](mailto:PBOTUtilityPermits@PortlandOregon.gov) (and copy the BES contact) to initiate the Street Opening Permit process. A Street Opening permit will be issued to BES for their facilities within 5-7 business days.
2. For PWB infrastructure installed under PBOT CIP projects, the Street Opening permit process remains unchanged.
3. All other requirements and provisions of this Administrative Rule apply as noted above.

**III. Code Reference**

Title & Section 17.24, 17.56  
Pursuant to Rule Making Authority Title & Section 3.12

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**HISTORY**

Filed for inclusion in PPD December 19, 2003.

Amended by Group Manager of Bureau of Transportation Development and Capital Program and filed for inclusion in PPD May 30, 2012.

Amended by Assistant Director of Portland Bureau of Transportation and filed for inclusion in PPD April 9, 2015.