

SUBSTITUTE
ORDINANCE No. 189629

Amend Title 17 Public Improvements code to permit the attachment of wireless facilities on poles (Ordinance; amend Code Sections 17.04.010, 17.24.101,17.60.110)

The City of Portland ordains:

Section 1. The Council finds:

1. The City, through the Portland Bureau of Transportation (PBOT) manages the public right-of-way including the permitting of public and private utilities in order for those entities to deliver essential services – such as water, electricity and internet access – to Portlanders using the public rights-of-way.
2. This code change would permit the attachment of wireless facilities on poles in Underground Wiring Districts (UWD) around the City of Portland. There are currently six designated UWD. Each of these areas will be affected by this code change. The NW and SW Downtown core, along NE Martin Luther King Jr Blvd, SE Grand Ave, and NE Airport Way will likely be the most impacted areas by this code change.
3. By adding a definition for TriMet, the agency is identified as an asset owner in the public right of way. TriMet shall adhere to existing city policies regarding allowing the attachment of telecommunication facilities to infrastructure.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Subsections 17.04.010 Z, 17.24.010 J, and 17.60.110 F. are added as follows:

17.04.010 Definitions.

Z. “Tri-County Metropolitan Transportation District of Oregon (TriMet)” is a public agency established under ORS 267.010 to 267.390 that operates mass transit which spans most of the Portland metropolitan area, and/or the manager, lessee, agent, servant, officer, or employee of the organization.

17.24.010 Permits Required.

J. The Director of the Bureau of Transportation may issue permits to Tri-County Metropolitan Transportation District of Oregon (TriMet) for activities not explicitly identified under any existing or future agreements, including the modifications to any existing or future infrastructure to allow for the attachments of telecommunication facilities. TriMet shall obtain permits from the Director of the

Bureau of Transportation for use of the street area in accordance with the schedule of fees set forth in Section 17.24.020.

17.60.110 Exemptions.

- F. Appliances or appurtenances on, through or by means of which telecommunications data is wirelessly collected or transmitted, as defined by City of Portland Transportation Administrative Rules. Attachments to infrastructure not owned and maintained by the City must adhere to 3rd party attachment rules as laid out in City of Portland Transportation Administrative Rules.
- b. City staff will bring a Report to Council for adoption on the new streetlight pole design to be used throughout the City by the end of summer 2020.

Passed by the Council, **JUL 31 2019**

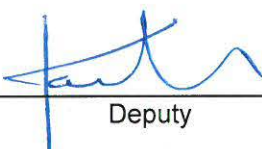




Commissioner Chloe Eudaly
Prepared by: Gene Yamamoto, PBOT
Date Prepared: 6/21/2019

Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

Amend Title 17 Public Improvements code to permit the attachment of wireless facilities on poles (Ordinance; amend Code Sections 17.04.010, 17.24.101, 17.60.110)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Chloe Eudaly</p>	<p style="text-align: right;">CLERK USE: DATE FILED <u>JUN 24 2019</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN: JUL 10 2019 Rescheduled to July 31, 2019 at 9:30 a.m</p>
<p>Mayor—Finance & Administration – Wheeler</p>	
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Eudaly </p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: PBOT Group: DPT Group Manager: Christine Leon Director: Chris Warner </p>	
<p>Prepared by: Gene Yamamoto Supervisor: Anne Hill Date Prepared: June 21, 2019</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances </p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan </p>	
<p>Council Meeting Date June 26, 2019</p>	

AGENDA

TIME CERTAIN
Start time:
Total amount of time needed:
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: 20 mins
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	_____	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	