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191187

Ordinance

Amend Vehicles and Traffic Code and direct the Portland Bureau of Transportation to adopt Administrative Rules to create a process for the installation of electric vehicle chargers in the public right-of-way (add Code Sections 16.20.290 and 16.90.111)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. As recognized in the Climate Emergency Declaration [Resolution No. 37494], “there is a human-made climate emergency that threatens our city, our region, our state, our nation, humanity and the natural world, and that such an emergency calls for an immediate mobilization effort initiating greater action, resources, collaboration and new approaches to restore a safe climate.”
2. City Code Section 3.12.010 establishes that the Portland Bureau of Transportation shall be charged with the responsibility for the operation of the transportation system.
3. City Code Section 17.24.005 establishes that the Portland Bureau of Transportation has jurisdiction and exercises regulatory management over all public rights-of-way within the City.
4. The Portland Bureau of Transportation (PBOT), along with partner bureaus, seeks to encourage the transition of internal combustion engine vehicles to electric vehicles in order to achieve citywide decarbonization goals.
5. The installation of electric vehicle chargers in the right-of-way has been identified as an effective strategy to encourage the adoption of electric vehicles in the following plans and strategies:
 - A. The 2015 Climate Action Plan [Resolution No. 37135] directs PBOT staff to address barriers to EV charging and to support low carbon

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Transportation](#)

Contact

Jacob Sherman

Analyst III

✉ jacob.sherman@portlandoregon.gov

📞 [503-823-2417](tel:503-823-2417)

Kristin Hull

Principal Planner -

Transportation Planning

✉ kristin.hull@portlandoregon.gov

📞 [503-823-2699](tel:503-823-2699)

Hannah Morrison

PBOT Planner I, Transportation Planning

✉ Hannah.Morrison@portlandoregon.gov

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date
March 1, 2023

Changes City Code

fueling infrastructure through Action 7B: Expand Electric Car Charging Stations.

- B. The 2017 Portland Electric Vehicle Strategy [Resolution No. 37255] directs PBOT staff to develop right-of-way priorities and policies to enable installation of publicly accessible EV chargers in strategic locations and provide clear guidelines for public and private parties through Action 9: Right-of-Way Charging.
 - C. The PBOT Strategic Plan 2019-2022, Moving to Our Future, directs PBOT to accelerate the conversion of electric vehicles with a transportation justice lens through Goal 2, Objective 1, Strategic Initiative H.
 - D. The 2022-2025 Climate Emergency Workplan [Resolution 37585] directs PBOT, the Bureau of Planning and Sustainability, and the Bureau of Development Services to make it easier for Portlanders to use electric vehicles if they cannot charge at home.
6. City Code Title 16, TRN-8.08, and TRN-10.19 must be amended to create a process for PBOT to issue permits for the installation of electric vehicle chargers in the public right-of-way:
- A. City Code Chapter 16.20, which governs Public Right-of-Way Parking, will be updated with Section 16.20.290 to create Electric Vehicle Charging Zones.
 - B. TRN-8.08-Encroachment Manual Section C.22 will be updated to show that EV charging stations are an allowable encroachment in the public right-of-way.
 - C. TRN-10.19-Utility Permits in the Right-of-Way will be updated with a new section to enable the opening of the street for the installation of EV chargers.
7. As stated in Section 17.56.005, companies installing facilities for the distribution of electricity on the streets of Portland are defined as public utilities and must possess a franchise or privilege granted by the City of Portland.
8. Based on the above definition, companies that will install, own, operate and maintain EV chargers would be considered public utilities and required to possess a franchise or privilege prior to being issued a permit for the installation of an EV charger.
9. As Master Lease Agreements and Site License Agreements are used in tandem with permits as tools for the administration of the right-of-way and tracking of infrastructure and equipment, companies will be required to sign a Master Lease Agreement and Site License Agreements as well as obtain permits after a franchise or privilege is obtained.

NOW, THEREFORE, the Council directs:

- A. Add Code Sections 16.20.290 and 16.90.111 as shown in Exhibit A.
- B. The Director of the Portland Bureau of Transportation adopt administrative rules TRN-8.08-Encroachment Manual and TRN-10.19-Utility Permits in the Right-of-Way to operationalize and implement this policy.
- C. The Portland Bureau of Transportation's Parking Management Manual be updated to include Electric Vehicle Zones.
- D. Adopt Exhibit B as further findings.
- E. The Director of the Portland Bureau of Transportation is authorized to move forward on operationalizing and implementing this policy, including but not limited to:
 - 1. Drafting and negotiating a Master Lease Agreement with EV Charging companies that contains strategies to support equitable access citywide, requirements for data standardization and sharing, enforceable commitments on uptime and maintenance, insurance and indemnification for the City, financial payments to the City, among other items; and
 - 2. Developing and issuing renewable Site License Agreements; and
 - 3. Developing a permit pathway and issuing standard permits.
- F. The approval of any new permit fees will require an additional action by Portland City Council.
- G. The Portland Bureau of Transportation report back to City Council by June 30, 2024 with the progress of the policy, any challenges faced, and any further changes to City Code that may be required so the program continues to run efficiently and achieves City Council's goals to decarbonize the transportation system.

Documents and Exhibits

 [Exhibit A](#) 76.74 KB

 [Exhibit B - As Amended](#) 1.04 MB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
March 1, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

- The purpose of this legislation is to have City Council approve amendments to City Code Title 16 and direct Portland Bureau of Transportation to adopt administrative rules to create a process for the installation of electric vehicle (EV) chargers in the public right-of-way.

Financial and Budgetary Impacts

- The costs for the Portland Bureau of Transportation staff to initiate the program are covered by current budgetary authority.
- The costs for the Portland Bureau of Transportation staff to run this program will be covered by future permit fees.

Community Impacts and Community Involvement

- Community impacts: This proposal seeks to create a permit process for companies to apply for permits to install EV chargers in the public right-of-way. This project has been pursued to ensure that all Portlanders have access to convenient, affordable public EV charging, especially those who cannot charge at home. EV drivers predominantly charge their vehicles at home to maximize cost effectiveness and convenience, but renters must rely on their landlords to make upgrades or seek more expensive charging. As state and federal rebates have helped EVs achieve price parity, access to, and affordable of charging have emerged as the main obstacles to EV ownership. This barrier disproportionately impacts black, indigenous, and people of color (BIPOC) communities in Portland as they have lower homeownership rates compared to White households. In order to ensure that this project results in an equitably distributed public charging network, companies will be required contribute to equity goals by installing EV chargers in underserved areas of the city with limited public charging. This project builds upon successful local pilots and projects in other municipalities that demonstrate a model of public charging that prioritizes investments in underserved communities.
- Community involvement: PBOT has been engaged in policy and code work related to EV charging in the public right-of-way for over a year. As part of this process, staff have interviewed key stakeholders from utilities, private for-hire transportation, and local electrification and sustainability groups. Staff have also talked to community members and participated in the BPS EV Ready Code project where further insights into community opinions around EV charging were gained. Finally, staff engaged with parking district advisory committees, with disability and accessibility advocates, and with industry stakeholders during this process. Stakeholders included representatives from seven international EV charging companies and local utilities. Additionally, this project advances Action T-7 (make it easier to use electric vehicles if you can't charge at home) in the Climate Emergency Workplan [Resolution 37585], which had a robust community involvement process.

100% Renewable Goal

- While this action will likely increase total electricity use, it also directly decreases harmful greenhouse gas emissions from the transportation sector. The portion of electricity used from this action that is renewable will continue to increase as utilities make the local electrical grid cleaner in advance of legislated targets to have 100% clean electricity sources by 2040.

Agenda Items

150 Time Certain in [February 22, 2023 Council Agenda](#)

Passed to second reading as amended

Motion to amend Exhibit B with an updated version of the final report from PBOT: Moved by Mapps and seconded by Rubio. (Y-5)

Passed to second reading as amended March 1, 2023 at 9:30 a.m.

179 Regular Agenda in [March 1, 2023 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Absent

Mayor Ted Wheeler Yea