

ORDINANCE No. 186518

Repeal TRN 8.05, 8.07, and 10.01 for inclusion in TRN 8.08 Encroachments in the Public Right-of-Way administrative rules (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City's Encroachment Policy (TRN 8.01) was adopted in June 1982 and establishes three categories of encroachments: Above Grade (sky bridges, arcaded structures), At Grade and Below Grade.
2. Although TRN 8.01 mentions At-Grade encroachments, there is very little guidance for Transportation staff and community members to understand what the parameters are for permitting and how Transportation interprets and implements regulation on At-Grade encroachments in the public Right Of Way.
3. Over time, on an as needed basis, Transportation has adopted business practices or developed administrative rules regarding some aspects of encroachments in the public Right Of Way.
4. The Portland Bureau of Transportation (PBOT) established a work group and conducted outreach to internal and external stakeholders through a rule development process regarding encroachments in the public Right Of Way to create a framework for and consolidation of existing policies and related procedures.
5. PBOT completed a draft Encroachments in the Public Right-Of-Way manual and made it available for comment and review.
6. PBOT has taken steps to modify the City's Encroachment Policy (TRN 8.01) to be retitled "Major Encroachments Policy" and is also providing for the repeal of several disparate encroachment policies once they are consolidated within TRN 8.08 and it becomes effective.
7. The repeal of TRN 10.01 Banners Across the Right-Of-Way Permits, TRN 8.05 Security Gate & Doorswing Appeals Affecting the Right-of-Way, and TRN 8.07 Public Right-of-Way Planter Boxes (raised beds or pots) within the Furnishing Zone (planting strip) and inclusion in the newly adopted TRN 8.08 Encroachments in the Public ROW will allow for clearer guidance regarding encroachments and permitting process related to encroachments.

NOW, THEREFORE, the Council directs:

- a. That the City of Portland repeals TRN 10.01 Banners Across the Right-Of-Way Permits, TRN 8.05 Security Gate & Doorswing Appeals Affecting the Right-of-Way, and TRN 8.07 Public Right-of-Way Planter Boxes (raised beds or pots) within the Furnishing Zone (planting strip) in their entirety for inclusion in TRN 8.08 Encroachments in the Public Right of Way as shown in the attached policy document attached Exhibit A.
- b. The repeal of these administrative rules shall not be effective until TRN 8.08, Encroachments in the Public Right-Of-Way, as an administrative rule is deemed to be effective.

Passed by the Council,

APR 02 2014

Commissioner Steve Novick
Prepared by: Kurt Krueger:slg
Date Prepared: February 18, 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Gayla Jennings

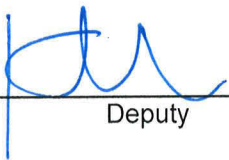


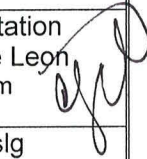
Deputy

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Agenda No.
ORDINANCE NO. 186518
Title

Repeal TRN 8.05, 8.07, and 10.01 for inclusion in TRN 8.08 Encroachments in the Public Right-Of-Way administrative rules (Ordinance)

INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>MAR 14 2014</u>
COMMISSIONER APPROVAL	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN:</p> <p>MAR 19 2014 CONTINUED TO MAR 26 2014 9:30 A.M. MAR 26 2014 PASSED TO SECOND READING APR 02 2014 9:30 A.M.</p>
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick 	
BUREAU APPROVAL	
Bureau: Bureau of Transportation Interim Group Mgr. Christine Leon Development & Capital Program Other: Greg Jones 	
Prepared by: Kurt Krueger: slg Date Prepared: February 18, 2014 	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date March 19, 2014	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA 1 of 2
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/> <i>Pulled</i>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	