

IMPACT STATEMENT

Legislation title: Amend city code sections on penalty for violation, permits required, and permit revocation terms in support of the Bureau of Transportation right-of-way use enforcement program (Ordinance; Amend Code Section 17.100.050, 17.23.050, 17.24.016)

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Purpose of proposed legislation and background information:

As part of Portland Bureau of Transportation's (PBOT) strategic initiative for continued investment in safety, staff reviewed ROW use programs city-wide and developed a more robust program to enforce permit conditions. The ROW Use Enforcement Program seeks to promote code compliance and enhance public safety through consistent enforcement actions for violations related to temporary traffic control, community street use, encroachments, and street openings.

The staff review and program development period consisted of over six months of Division Manager and Traffic Engineer Working Group meetings, consultations with interagency partner enforcement programs from the Bureau of Environmental Services and the Bureau of Development Services, code change and policy development review with the City Attorney's Office and the City Auditor, confirmation of approach to Appeals with the Code Hearings Officer, ongoing Technology Work Sessions to develop a reliable field-tested application for violation determination and issuance, and outreach and education via efforts such as Get Portland Moving (more on outreach below).

Financial and budgetary impacts: There are no budgetary impacts with this change. Responsible Party-paid violations will be assessed based on the Adopted Transportation Fee Schedule, Exhibit G:

<https://www.portlandoregon.gov/citycode/article/647184>

Community impacts and community involvement: The ROW Use Enforcement Program does not change any permit conditions or programmatic requirements for activities requiring a permit. Rather, the ROW Use Enforcement Program provides clear guidelines to PBOT program administrators for how to consistently apply penalties to Responsible Parties that do not comply with adopted Rules. A ROW Use Enforcement Program Frequently Asked Questions (FAQ) was developed and distributed with all issued permits beginning in September 2017. Additionally, a website page was published with links to the Penalty Fee Schedule and contact information at PBOT for additional information (<https://www.portlandoregon.gov/transportation/75078>). An email was sent to over 1,400 engineers, contractors and consultants whom perform work in the City of Portland with the program effective date and FAQ. And finally, as this effort is part of Get Portland Moving efforts to streamline coordination and work in the right-of-way, ROW Use Enforcement program developers have been presenting the new

program to inter-agency, city, and regional construction and utility coordination meetings. The website and FAQ have also been shared with partner Agencies for use in quarterly Newsletters.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 10-13-17