

ORDINANCE No. 187632

Amend the Special Traffic Control District code to create a uniform temporary street closure approval process (Ordinance; amend Code Section 17.23.050)

The City of Portland ordains:

Section 1. The Council finds:

1. Currently, in City Code Section 17.23.050.A, an exemption is made for obtaining a temporary street closure permit when an applicant obtains a public improvement permit or utility street opening permit as prescribed in Section 17.24 and 17.56 of City Code.
2. At any time an applicant desires to perform traffic control in the public street area, an applicant is required in 17.23.050.D to obtain approval from the Director of the Portland Bureau of Transportation (PBOT) to schedule the work. Additionally, in 17.23.050.F, the bureau is authorized to implement additional requirements for permits.
3. Typically, PBOT will issue a temporary street closure permit after (1) PBOT has approved an applicant's traffic control plan and (2) the applicant has paid a fee that is based on PBOT's cost to review and approve the traffic control plan.
4. Currently, for temporary street closures needed when an applicant has obtained a public improvement permit or utility street opening permit under 17.24 and 17.56, PBOT requires an approved Traffic Control Plan, payment based on cost recovery for review and approval of the plan, and issues an approval for the street closures. Compared to fees for street closure permits, this is sometimes slightly more and sometimes slightly less than a permit on the typical cost recovery model.
5. This situation causes confusion with applicants, creates a redundant system for these specific situations, and cost recovery is applied as a flat rate and differently from the normal permit based system.
6. Except for the cost recovery model, the temporary street closure permit requirements are identical to the temporary street closure approval requirements. Consequently, PBOT is seeking to amend the Code to create a uniform temporary street closure permit and make the cost recovery model consistent for all temporary street closures.
7. PBOT will continue the current model of cost recovery until July 1, 2016, to ensure permittees currently in the street closure approval process are not adversely impacted and to ensure that future applicants are adequately informed of the code changes.

NOW, THEREFORE, the Council directs:

a. Section 17.23.050 (Permits Required) is amended as follows:

~~A. Within the Special Traffic Control District, a~~ Any party desiring to perform work in the street or make use of the street area to perform work on private property shall first obtain a temporary street closure permit as prescribed in ~~Section 17.44.020~~ Chapter 17.24 of the Code of the City of Portland, Oregon, and pay the permit fees set forth in ~~Section 17.24.020~~ Chapter 17.24. Any party obtaining a permit to perform public improvements in the street as described in Chapters 17.24 or 17.56 shall be exempt from obtaining an additional temporary street closure permit as described in this Section 17.23.050.

~~B. Any party desiring to perform maintenance work in the street shall notify the Director of the Bureau of Transportation two days in advance of the planned work and obtain oral approval prior to commencing the work. Maintenance work between the curb lines requiring no more than a single lane closure will be exempt from obtaining a temporary street closure permit. Unless specifically permitted, maintenance work shall be prohibited during peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday.~~

~~B.C.~~ Any party performing emergency work shall notify the Director of the Bureau of Transportation at the time work is commenced and when finished. Emergency work may be performed without first obtaining the temporary street closure permit outlined in Subsection A. above or without complying with the requirements of Subsections A. and ~~B.~~ above.

~~C.D.~~ Any party desiring to perform work that utilizes the street area in the Special Traffic Control District shall obtain approval from the Director of the Bureau of Transportation to schedule their work. Any party desiring to perform work shall distribute notice of work to adjacent businesses five days in advance of proposed work dates. A written schedule of work dates and proof of notification to adjacent businesses shall be submitted to the Director of the Bureau of Transportation prior to final approval being granted.

~~D.E.~~ The Director of the Bureau of Transportation may waive minimum notification requirements as listed above in Subsection ~~C.D.~~ if work is deemed to have minimal impact to the transportation system.

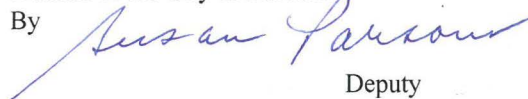
~~E.F.~~ Notwithstanding the other provisions of this Section, the Director of the Bureau of Transportation shall have the authority to implement additional requirements for permits in the Special Traffic Control District when conditions in the downtown require more stringent regulations.

~~F.G.~~ Nothing contained herein shall limit the authority of the Director of the Bureau of Transportation in maintaining public peace and safety and upon request from the Director of the Bureau of Transportation the party performing any work in the street area shall reopen the street area to its normal use within two hours of notification from the Director of the Bureau of Transportation.

Passed by the Council, **MAR 16 2016**

Commissioner Steve Novick
Prepared by: Faith Winegarden:sld
Date Prepared: January 21, 2016

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

236263

Agenda No. **187632**
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>MAR 01 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick <i>CW</i>	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: Transportation Development, Permitting & Transit Group Manager: Christine Leon Division Mgr: Alex Bejarano Assistant Director: Maurice Henderson <i>MAH 2/2/16</i>	ACTION TAKEN: MAR 09 2016 PASSED TO SECOND READING MAR 16 2016 9:30 A.M.
Prepared by: Faith Winegarden:sld Date Prepared: January 21, 2016 Supervisor: <i>Faith Winegarden</i>	
Impact 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 type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances <i>Toni</i>	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>GF</i>	
Council Meeting Date March 9, 2016	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>5 minutes</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input type="checkbox"/>	
4. Novick	4. Novick <input checked="" type="checkbox"/>	
Hales	Hales <input type="checkbox"/>	