

TRN-8.13 --~~Private~~ Utility Vault or Structure for the ~~Benefit~~ Exclusive (UVE) Use of the Adjacent Property Owner Review Approval Process

Administrative Rule Adopted by Bureau of Transportation Development Permitting & Transit Group Pursuant to Rule-Making Authority

ARB-TRN-8.13

I. Definition

A ~~Private~~ Utility Vault or Structure for the ~~benefit~~ Exclusive (UVE) use of the adjacent property owner, individually or collectively known as ("UVE") is defined as the ~~vault or structure~~ space needed, in the public right of way, to place a ~~franchised~~ utility vault or structure that would have normally been placed on private property.

The ~~Private Utility Vault or Structure for the Benefit Exclusive (UVE) Use of the Adjacent Property Owner Review Approval Process~~ is intended to provide a clear "road map" for both the ~~Development~~ development community and City staff as to the requirements and approval processes for obtaining permits to place ~~private utility facilities~~ a UVE associated with a development proposal in the right of way.

II. Initial Submittal:

As part of an Application submittal to BDS or as determined by a Public Works Permitting review process, an Applicant must include, an "Utility Plan" for review.

In order to be deemed an acceptable "Utility Plan", the "Utility Plan" must include the following:

- A. Utility Site Plan: A detailed map of the development and the location of all public and private utilities necessary to support the proposed development (with approximate dimensions - i.e. power/electricity, natural gas, water, sewer, etc.).
- B. Vault or Structure Specifics: ~~Include~~ Include the location and size of all existing Utility Vaults or Structures adjacent to the development; ~~In addition,~~ detail and designate any ~~Utility Vaults or Structures~~ UVE which are to be used for the ~~Benefit Exclusive use (UVE) of~~ by the development; ~~and~~ Must include dimensions for any associated grates, vents or other supporting accessories ~~considered part of the overall lease package~~.
- C. Utility Contact List: A list of the names and contact information of all utility representatives consulted to create the Utility Site Plan.

Upon a completeness check by PBOT Development Review ("DR"), ~~PBOT Development Review~~ DR staff will:

- A. Review the proposed location(s) of the UVE's. If an UVE can be placed on private property (~~in a location that doesn't locate a vault internal to a not within a building~~) or in an existing curb extension adjacent to the development site (where the curb extension can accommodate a vault or structure without modification) ~~adjacent to the development site~~, staff will coordinate with BDS staff and may request (if applicable) that the UVE be placed in these locations. Such placement should not require a Design Exception.
- B. Determine if the UVE is placed wholly or partially in any public rights of way. If so, the UVE is subject to the process, terms and conditions set forth in Transportation Administrative Rule TRN 8.11 - Right of Way Leasing: Fee Structure, including but not limited to the lease rate methodology described in Section 2BII.B., #3 fee-assessment methodology.
- C. In conjunction with Utility Permitting staff, determine whether a lease will be required in association with existing UVE infrastructure based upon the following criteria:

1. On new buildings, any proposed or existing UVEs will require a lease.
2. On remodeled or renovated buildings only new UVEs or existing UVEs which will require structural modification will require a lease.
3. Regardless, all UVE's will be required to replace the lid type to the standard defined in TRN 10.19.

Once ~~PBOT-DR~~ has accepted the Utility Plan, specifications (location, model, size) and utility contact list will be routed to PBOT Utility Permitting ("UP") to formally begin the Utility Review Approval Process.

III. Utility Review Approval Process:

- A. ~~PBOT Utility Permitting (UPDR)~~ will log the "Utility Plan" and assign a tracking number to the project, prior to assigning the review to UP.
- B. Acceptance of Proposed Location of Utilities:
 1. Upon review, if the "Utility Plan" can be approved as submitted, then the Utility will be notified and the Utility will be required to submit for a "Street Opening Permit" to allow for the infrastructure to be placed in the proposed location.
 2. UP will then notify ~~PBOT Development Review (DR and RWA)~~ that the location of the UVE is acceptable and that ~~DR should notify the applicant that a lease is required for the UVE.~~
 3. Upon review, if the proposed location of the UVE is not approvable as submitted, ~~Utility Permitting~~ will notify DR that an alternative location will need to be found. DR will set a "web-based" meeting with the private developer and public utilities in conflict (as listed on the "Utility Contact List"). The intent of the "web-based" meeting is:
 - a. To provide a forum for the City, Utility providers and applicant to have a detailed discussion on the locations of utility infrastructure required to support a development.
 - b. To find a mutually acceptable location for the required utilities.
 4. If an alternative location can be supported for the UVE, then the new location of the UVE will be noted on the proposed "Utility Plan", the location will be recorded, and the Utility will be required to submit for a "Street Opening Permit" to allow for the infrastructure to be placed in the new mutually agreed upon location.
 5. If the location is not in conformance with PBOT policy, such as the Pedestrian Design Guide, a Design Exception ("DE") will be required from the applicant.
 6. A record of the meeting will be generated by UPDR and a report with the findings will be distributed to DRUP, RWA and the impacted Utilities. In addition, DRUP will track and monitor all placement decision approvals. Data will be used to inform and potentially revise current policy. Data will be reviewed annually.
 7. DR will log the findings in TRACS and will notify BDS staff of the approval of the locations of the proposed utilities. In addition, DR will notify and require the applicant to:
 - a. Complete a DE Form for the changes noted to the "Utility Plan" (if required).
 - b. Complete the requirements of the UVE Lease program.
 8. Once the DE and UVE Lease processes are complete, DR can release the TRACS hold for this portion of the PBOT Review.

~~c. If an alternative location can be supported for the UVE then:~~

~~a. The new location, for the UVE, will be noted on the proposed "Utility Plan" and the location will be recorded.~~

~~b. The Utility will be required to submit for a "Street Opening Permit" to allow for the infrastructure to be placed in the new mutually agreed upon location~~

~~a. If the location is not in conformance with PBOT policy, such as the Pedestrian Design Guide, a "Design Exception" (DE) will be required from the applicant.~~

~~b. For all Utility Vaults or Structures for the Benefit Exclusive (UBE) use of the development, a lease will be required for the utility vault or structure.~~

~~d. A record of the meeting will be generated by UP and a report with the findings will be distributed to Development Review and the impacted Utilities. In addition, UP will track and monitor all placement decision approvals. Data will be used to inform and potentially revise current policy. Data will be reviewed annually.~~

- e. ~~Development Review (DR) will log the findings in TRACS and will notify BDS staff of the approval of the locations of the proposed utilities. In addition, DR will notify and require the applicant to:~~
 - a. ~~Complete a Design Exception (DE) Form for the changes noted to the "Utility Plan" (if required).~~
 - b. ~~Complete the requirements of the UVE Lease program.~~
 - c. ~~Once the DE and UVE Lease processes are complete, DR can release the TRACS hold for this portion of the PBOT Review.~~

IV. Denial of Proposed Location of Utilities:

~~IV. —~~

- A. ~~If after meeting with the Utility, Applicant and PBOT and all parties cannot find a mutually acceptable location then PBOT Utility Permitting will create:~~
 - 1. ~~A report of the issues associated with the locations of the proposed UVE.~~
 - 2. ~~A list of options for placement of the proposed utilities.~~
 - 3. ~~A meeting to present the report findings to the Alternative Utility Review Committee for approval/denial.~~

A. —————

- a. ~~A report of the issues associated with the locations of the proposed UVE.~~
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- b. ~~A list of options for placement of the proposed utilities.~~
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- c. ~~A meeting to present the report findings to the "Alternative Utility Review Committee (AUR) for approval/denial.~~
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V. The Alternative Utility Review Committee ("AUR"):

- A. The AUR will be comprised of the Chief Engineer of PBOT, the Development Permitting & Transit Group Manager, and the City Traffic Engineer.
- B. If the AUR approves an alternative listed in the report, the approval process will follow the process noted in "III. Utility Review Approval Process, #2 - Acceptance of Proposed Location of Utilities". All requirements must be completed as detailed - including the UVE Lease and DE processes.
- C. If the AUR denies all the alternatives, the decision will be recorded and a "Check Sheet" will be generated and sent to ~~Development Review~~.
 - 1. ~~Development Review~~ will contact the applicant and set a meeting between the applicant, the impacted Utility providers and PBOT.
 - 2. This meeting will explore alternative options for placement of a UVE location.
 - 3. The approved alternative location will be recorded and the UVE Lease and DE process (if necessary) will be followed to record the decision.
- D. Decisions of the ~~Alternative Utility Review Committee (AUR)~~ are final.

VI. Code Reference

Title & Section 17.24, 17.56

Pursuant to Rule Making Authority Title & Section 3.12

HISTORY

Adopted by Director of Portland Bureau of Transportation December 27, 2016.
Filed for inclusion in PPD December 29, 2016.