

TRN-10.XX – Relocation Process for Public Utilities

*Interim Administrative Rule Adopted by Bureau of Transportation
Pursuant to PCC 17.56.060.*

*The Director of the Bureau of Transportation is authorized to issue administrative rules per PCC 3.12.010.
A City of Portland “Administrative Rule” is defined in PCC 1.07.020.C.*

Purpose:

This document details the “relocation” process as it pertains to private utilities within City of Portland public right-of-way. Pursuant to Portland City Code 17.56.060, the City has the authority to require Utilities to relocate at their expense whenever the Director of the Bureau of Transportation directs. However, specific language and timelines are required to be sent to the Utilities in order to require relocation of facilities.

Code Summary:

Per City Code 17.56.060 - The Director of the Bureau of Transportation may direct any person owning, operating, or managing any public utility in the City and using facilities located in public right of way, to temporarily or permanently remove, relocate, change or alter the position of facilities installed by that person or that person’s predecessor within the public right-of-way whenever required. A “public utility” is defined in PCC 17.56.005 and referred to herein as a “Utility”.

Except in the case of an emergency or as otherwise agreed to by the Director of the Bureau of Transportation, the temporary or permanent removal, relocation, change or alteration of the position of facilities must be completed within **30 days following date of written relocation notice (30 Day Relocation Letter)** from the Director of the Bureau of Transportation or their designee.

Capital Improvement (CIP) / Public Works Project (PWP) Utility Notification Process:

1. First Utility Notice (approximate 30% Design Plans) – By PBOT Utility Distribution

Upon Notice, by the Project Manager (“PM”) or Construction Manager (“CM”), of a new CIP or PWP project, the PBOT Utility Permitting (UP) section within the Utilities, Construction & Inspection (UCI) division will distribute to all public utility providers, a Notice of an upcoming project. The Utility Notice requests that the public utility identify any potential conflicts of their current or planned infrastructure system. All conflicts will be directly communicated and identified to the PM/CM.

2. Second Utility Notice (approximate 60%) – By PBOT Utility Distribution

This second Notice notifies the Utility of the project with more detail and requires them to provide the following:

- Confirm that all their utility conflicts have been identified.
- Mark additional conflicts, type and location, on the original drawings.
- If no additional conflicts are apparent, please note “No Additional Conflicts” on the cover sheet of the drawings and respond via e-mail to the PM/CM.
- Return all marked drawings no later than the specified deadline detailed in the Utility Notice.
- Forward a design and construction schedule to the PM/CM.
- The Utility will submit a permit application of the utility’s relocation design, if necessary, to the PBOT Utility Permitting section for review.
- **The 30-day (minimum) Initial Relocation Letter should be sent by PBOT UCI Division (copy to the PM/CM) at this time.**

3. Third Utility Notice (90% and/or Final approved signed plans – By PBOT Utility Distribution

The third notice notifies the Utility that:

- The project design is complete.
- The anticipated construction start date.
- Any facilities in conflict with these project plans, not relocated prior to the start of construction, may cause delay to the project and they will be held responsible for any costs associated with the relocation of their facilities.

4. Fourth Utility Notification (Notice To Proceed (“NTP”))

The fourth notice notifies the Utility that:

- Contract has been awarded
- Project timelines have been set
- **Final relocation letter should be sent by PBOT UCI Division (copy to the PM/CM) at this time as necessary.**

Relocation Letters:

1. 30 Day Relocation Letter (Notification)

- The UCI Division will draft the Initial Relocation Letter once notified by the PM/CM. The PM/CM will provide the following information:
 - Identify the Utility Conflicts and Locations, both as a narrative and a highlighted drawing.
 - Why the conflict exists (conflict with COP standards, policy, City infrastructure, etc).
 - A specific date by which the Utility must respond to the City if they cannot meet the 30-day (minimum) relocation date.
- UP will send the relocation letter via email and certified mail to the Utility contact

2. Interim Relocation Letter

- After 30 days from Initial Relocation Letter delivery, UP will ask the PM/CM to track any responses by the Utility contact.
 - Based upon Utility response, if any, UP will respond to the Utility with a deadline for relocation tied to either projected NTP, as set by the PM/CM, or an agreed upon construction schedule between the PM/CM and Utility.
3. Final Relocation Letter (Mandate)
- The UCI Division will draft the Final Relocation Letter once notified by the PM/CM. The PM/CM will provide the following information:
 - Identify the Utility Conflicts and Locations, both as a narrative and a highlighted drawing.
 - Why the conflict exists (conflict with COP standards, policy, City infrastructure, etc).
 - PM/CM will identify an exact relocation date which must be held to by the Utility or an agreed upon relocation construction scheduled date.
 - Notification that if the Utility facility is not relocated by the specified date, the City will seek financial recompense due to project delays in accordance with PCC 17.56.060.
 - UP will send the Final Relocation Letter via email and certified mail to the Utility contact.

History

Adopted by the Director of Portland Bureau of Transportation month day, 2020.

Filed for inclusion in PPD month day, 2020.