

TRN-8.13 – Utility Vault or Structure for the Benefit of the Adjacent Property Owner

Administrative Rule Adopted by Bureau of Transportation Pursuant to Rule-Making Authority

ARB-TRN-8.13

I. Purpose

A Utility Vault or Structure for the benefit of the adjacent property owner, individually or collectively known as ("UV") is defined as the space needed in the public right of way to place a utility vault or structure that is unable to be placed on private property.

When placed in the right-of-way, transformers or other building specific structures are typically placed in vaults, with additional clear space provided on several sides of the vault to allow for venting and/or person access. The large amount of space these take up in the frontage impacts the ability to deliver other city priorities for the public, as required in city code. They typically reduce or eliminate spaces for trees which provide shade and cooling, impinge upon the pedestrian through zone, and can force utility connections to the building closer together which can violate utility clearance requirements and complicate and delay the development review process.

Transformers, or other building specific structures, placed to power or service a building must fully reside outside of the public right of way. They may be permitted in the right of way by exception only.

The UV Review Approval Process is intended to provide a clear "road map" for both the development community and City staff as to the requirements and approval processes for obtaining exceptions to place a UV associated with a development proposal in the right of way.

Effective date. This policy is effective July 1, 2022. Sites that have been through the UV conceptual review process before that date will have 3 years from the date of approval to pursue their entitlements and submit a building permit with the vault in the right-of-way.

II. Initial Submittal:

Prior to submitting for a Design Exception, the applicant must submit a letter to PBOT Development Review (land use or building permit review) from a registered professional engineer to document that there is no viable location on private property to place the infrastructure in question. For projects going through discretionary review (design/historic resource/adjustment reviews), the location of this infrastructure should be identified as part of "Public Works/Concept Development Phase (30% plans) approval", as its placement may impact the exterior and/or interior design of the building. In some cases, 30% Public Works Permit approval must occur prior to the associated land use review process. For projects not going through discretionary review, the professional engineer confirmation letter should be submitted with the building permit application. PBOT Development Review staff will contact the BDS planner assigned to the project to confirm the zoning and/or design overlay calculations.

- A. Professional Engineer Confirmation: A letter from a registered professional engineer confirming that there is no viable location on private property to house the infrastructure in question must be submitted. This includes documentation that the property cannot meet zoning code and/or design/historic overlay (if applicable) requirements with the utility room at the building's street facing edge AND that the applicant was unable to identify another suitable location on private property (inside or outside of the building) that is supported by the utility provider. The letter must include utility provider concurrence. Architectural choices or increasing leasable space are not a viable rationale for placement of infrastructure outside of private property.

III. Design Exception Submittal:

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

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

- A. Professional Engineer Confirmation, verified in the Initial Submittal step above.
- B. 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.).
- C. Vault or Structure Specifics: Include the location and size of all existing Utility Vaults or Structures adjacent to the development; detail and designate any UV which are to be used by the development; and include dimensions for any associated grates, vents or other supporting accessories. The UV access lid shall be located immediately adjacent to the curb or fit fully within the furnishing zone. If the UV access lid encroaches upon the pedestrian through zone, as defined by the Portland Pedestrian Design Guide, and the lid material does not match the surrounding sidewalk material, then the lid surface must be on the Approved Surface Type list as designated for use within the pedestrian through zone.
- D. Utility Contact List: A list of the names and contact information of all utility representatives consulted to create the Utility Site Plan. The applicant (property owner) of the proposed UV must provide a letter from the servicing franchised or public utility in support of the desired location for the vault. The utility infrastructure leading up to and including the vault shall be permitted to the servicing franchised or public utility. Plans for the infrastructure shall be submitted to the Portland Bureau of Transportation for permit prior to construction in the right of way commencing.

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

- A. Determine if the UV is placed wholly or partially in public right of way. If so, the UV 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 II.B.3.
- B. In conjunction with Utility Permitting staff, determine whether a lease will be required in association with existing UV infrastructure based upon the following criteria:
 1. On new buildings, any proposed or existing UVs will require a lease.
 2. On remodeled or renovated buildings only new UVs or existing UVs which will require structural modification will require a lease.
 3. Regardless, all UV's will be required to replace the lid type to the standard defined in TRN 10.19.

Once 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.

IV. Utility Review Approval Process:

- A. DR 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 DR and RWA that the location of the UV is acceptable and that a lease is required for the UV.
3. Upon review, if the proposed location of the UV is not approvable as submitted, UP will notify DR that an alternative location will need to be found. DR will set a meeting with the private developer and public utilities in conflict (as listed on the "Utility Contact List"). The intent of the 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 UV, then the new location of the UV 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. A record of the meeting will be generated by DR and a report with the findings will be distributed to UP, RWA and the impacted Utilities. In addition, DR will track and monitor all placement decision approvals. Data will be used to inform and potentially revise current policy. Data will be reviewed annually.
6. DR will log the findings in AMANDA 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 UV Lease program.
7. Once the DE and UV Lease processes are complete, DR can release the AMANDA hold forthis portion of the PBOT Review.

V. Denial of Proposed Location of Utilities:

- A. If after meeting with the Utility, Applicant and PBOT and all parties cannot find a mutually acceptable location then UP will create:
 1. A report of the issues associated with the locations of the proposed UV.
 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.

VI. 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 UV 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 DR.
 1. DR 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 UV location.
3. The approved alternative location will be recorded and the UV Lease and DE process (if necessary) will be followed to record the decision.

D. Decisions of the AUR are final.

VII. 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.

Amended by Director of Portland Bureau of Transportation June 11, 2019.

Amended by Director of Portland Bureau of Transportation June 22, 2022.