



## PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

### Portland Parks & Recreation Urban Forestry Programmatic Permit Comcast

#### 1.0 GOALS:

- 1.1 Protect, preserve, and restore the urban forest (Urban Forest Management Plan (UFMP), 2004).
- 1.2 Promote stewardship of the urban forest (UFMP, 2004).
- 1.3 Prevent cumulative adverse impacts to the urban forest and ensure that there is no reduction in tree canopy coverage over time (Title 11.45).
- 1.4 Maintain good health and structure of Portland's street tree resource through proper pruning techniques.
- 1.5 Ensure swift and direct communication between the public and Comcast regarding tree pruning for utilities.

#### 2.0 TERMS AND TIMELINE OF PERMIT:

##### 2.1 **Permit duration is from the date of final signature through December 31, 2022**

The permit must be signed and in effect before tree work is conducted.

- 2.2 Comcast is the responsible party for all activities in this permit and shall ensure all staff and contractors comply with the terms and conditions of this permit.

- 2.3 This permit applies only to tree management activities not related to site development or development projects. Separate permits are required for tree activities related to development.

- 2.4 This permit is issued under the authority of the City Forester in compliance with the requirements of City of Portland Title 11 Trees.

#### 3.0 SCOPE OF WORK:

- 3.1 Activities shall prevent cumulative adverse impacts to the urban forest and ensure no net reduction in tree canopy coverage over time.
- 3.2 Activities shall support the 2004 Urban Forest Management Plan.

#### **Urban Forestry**

1900 SW 4<sup>th</sup> Ave, Suite 5000

Portland, OR 97201

Tel: (503) 823-TREE (8733) Fax: (503) 823-4493

#### **Administration**

1120 S.W. 5th Ave., Suite 1302

Portland, OR 97204

Tel: (503) 823-7529 Fax: (503) 823-6007

Portland Trees - [www.Portlandoregon.gov/trees](http://www.Portlandoregon.gov/trees) - permits, tree removal, report a downed tree.

*Sustaining a healthy park and recreation system to make Portland a great place to live, work and play.*

PortlandParks.org • Ted Wheeler, Mayor • Adena Long, Director



### 3.3 Location

All permit activity shall occur in City of Portland rights-of-way along existing or proposed Comcast lines as identified in Comcast's work location information submitted to the City Forester prior to the performance of any tree work.

### 3.4 Pruning

- a. Comcast staff and contractors may prune street trees in City of Portland rights-of-way along existing or proposed Comcast lines for the following reasons:
  - to prevent breakage of tree branches during the installation of new Comcast lines; and
  - to prevent dead or decaying branches from falling on existing lines.
- b. All tree pruning work must be completed under the direct on-site supervision of an experienced Certified Arborist with the International Society of Arboriculture (ISA) or a Registered Consulting Arborist with the American Society of Consulting Arborists (ASCA).
- c. Pruning shall be made with proper pruning cuts and sharp tools. Pruning activities shall adhere to City of Portland *Street Tree Pruning Standards*, American National Standards Institute (ANSI) *A300 Pruning Standard - Part 1*, International Society of Arboriculture *Best Management Practices: Tree Pruning*, and ANSI *Z133 Standards for Arboricultural Operations: Safety Requirements*, including any amendments or revisions.
  - i. Comcast and its contractors shall comply with all federal and state occupational safety and health laws and regulations governing all work done under this permit.
  - ii. When pruning from the ground, care shall be taken to avoid cutting the trunk above the cut.
- d. Pruning impacts shall be as minimal as possible. Tree pruning shall be limited to minor pruning though canopies of trees along Comcast lines of limbs less than 2 inches in diameter at attachment, unless the branch is completely dead. Pruning may not exceed a 5 inch radius from the Comcast line.
  - i. Prohibited pruning activities include crown reduction, tipping, topping, or shaping of any kind.
- e. Elm pruning requirements  
In order to limit the spread of Dutch elm disease and comply with Oregon's state quarantine of elm wood, the following rules apply to the pruning of elm trees (*Ulmus* spp.):
  - i. Elm trees shall not be pruned from April 15 through October 15 annually.
    - a. Pruning of elm trees during the state quarantine period requires prior approval from the City Forester. Comcast shall submit an Inspection Request Form (Appendix B) at least 4-weeks in advance of planned pruning activity.
  - ii. Pruning tools shall be treated with disinfectant before and after pruning individual elm trees.
  - iii. All elm wood waste shall be chipped or taken to an approved commercial disposal site within 24 hours of cutting.

### 3.5 Dangerous Trees

- a. As per Title 11.80.020, a dangerous tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

- b. Removal of a dangerous tree shall be conducted as follows, as per Title 11.40.020.D:
  - i. When Comcast discovers that a dangerous street tree exists in the right-of-way, Comcast shall immediately notify Urban Forestry by calling 503-823-TREE (8733) and, where power lines are involved, notify the appropriate power supplier.
  - ii. If the condition or location of a tree presents such a clear and present danger to a structure or the public that there is insufficient time to obtain advance approval of the City Forester, the hazardous portion of the tree may be removed without first obtaining approval from the City Forester.
  - iii. Within seven days of an emergency tree removal, Comcast shall provide notification and documentation to the City Forester on the Inspection Request Form (Appendix B) provided by Urban Forestry. Upon submittal to the City Forester, the Inspection Request Form shall accompany photographs or other documentation that prove that the tree was dangerous. The City Forester will evaluate the information to determine whether the tree was dangerous. Failure to provide information documenting the emergency nature of the event may be pursued as a violation per Title 11.70. In all cases, Comcast may be required to replant any removed tree as directed.
- c. Debris
  - i. All trees debris generated by an emergency tree removal shall be removed from the site or stacked neatly for the property owner or adjacent property owner to dispose of. Streets and public rights-of-way shall be kept clear of debris.

### **3.6 Tree crews**

- a. Contractors and all personnel assigned to this work shall have the experience, required skills, training, and ANSI-approved equipment necessary to conduct the pruning work in a controlled and safe manner.
- b. At least one member of every crew shall be certified as a line-clearance tree pruner, or will have a card certifying passage of an Electrical Hazards Awareness Program or equivalent.
- c. Each crew member shall be knowledgeable about the content of this permit before conducting tree pruning activities.
- d. Crews shall identify themselves and the fact that they are pruning for Comcast either through signs displayed on each vehicle involved in tree work or verbally when requested by the public. Contractors shall provide contact information for their company and for Comcast to the public upon request.
- e. Crews shall keep a copy of this permit in their work vehicles at all times when performing work under this permit.

### **3.7 Public notice and opt-out options**

- a. The property owner and/or occupant shall be given written notification of planned tree pruning at least 15 days prior to planned pruning activities on trees in the right-of-way adjoining such property owners' or occupants' property. The notice shall be attached to the door and/or sent via U.S. Post. The owner or occupant shall have 15 days from receipt of notification to prune, or notify Comcast of the owner's or occupant's intent to prune, such trees at the owner's or occupant's expense. If the owner or occupant fails to do so, Comcast and its contractors may prune the trees at Comcast's expense.
  - i. The notice shall state the following information:
    - The date of notice
    - The date of the pruning
    - Contact information for Comcast
    - The Comcast logo
    - Contact information for the contractor



- Details about the process for opting out
- b. The Bureau of Environmental Services (BES) Watershed Revegetation Program Manager shall be contacted at least 15 days in advance of pruning trees located in stormwater management facilities. BES shall have 15 days from receipt of notification to prune, or notify Comcast of BES's intent to prune, such trees at BES's expense. If BES fails to do so, Comcast and its contractors may prune the trees at Comcast's expense.

### **3.8 Complaints**

- a. Comcast shall respond to all public and City complaints about Comcast and their contractors' pruning activities in a timely manner, generally within 48 hours. Comcast shall respond to public and property owner/occupant complaints directly. Comcast shall send the City Forester written copies of all complaints and Comcast's responses to the complaints within 7 days of the response.
- b. The City Forester may impose an immediate stop work order when a complaint is received and the City Forester verifies that the tree work has violated the conditions of this permit.
  - i. The City Forester will call the permit holder to impose the stop work.
  - ii. The City Forester shall immediately communicate with the permit holder and/or the contractor about how to resolve the issue so work can continue.
  - iii. The stop work shall not be extended beyond the resolution of the problem.

### **4.0 COMMUNICATION:**

4.1 Comcast shall maintain accurate permit contact information with Urban Forestry.

#### **4.2 Comcast contact**

Dave Conner, Permit Coordinator  
 Mailing Address: 11308 SW 68<sup>th</sup> Pkway., Tigard, OR 97223  
 Phone: 503-596-3811

#### **4.3 Comcast representative**

Dave Conner, Permit Coordinator  
 Mailing Address: 11308 SW 68<sup>th</sup> Pkway., Tigard, OR 97223  
 Phone: 503-596-3811

4.4 Comcast shall provide the City Forester written notification of planned tree pruning locations and contractors 15 days prior to the activities. Notifications shall be emailed to [trees@portlandoregon.gov](mailto:trees@portlandoregon.gov). The notification shall include:

- Contractor company name
- Contractor business license number
- Contractor phone number, email address, and mailing address
- Map of pruning area
- Start and end dates for activity in the pruning the area

## 5.0 QUALITY CONTROL AND REPORTING:

### 5.1 **Reporting**

A report shall be sent to Urban Forestry twice per fiscal year for the duration of the permit on forms provided by Urban Forestry (see Appendix A). The completed form shall be received no later than one month after the reporting period. Failure to submit reports may result in suspension of current programmatic permit or delayed issuance of future programmatic permits until the report is submitted.

#### a. Reporting periods:

Date of issuance - December 31, 2020 report due by: February 1, 2021

January 1, 2021 - December 31, 2021 report due by: February 1, 2022

January 1, 2022 - December 31, 2022 report due by: February 1, 2023

### 5.2 **Inspections**

Urban Forestry may inspect the trees to determine compliance with the conditions of the permit.

### 5.3 **Compliance**

It is the permit holder's responsibility to adhere to the terms of the permit. If the terms of the permit are not met, the permit holder shall be notified of the violation in writing and informed of the actions necessary to correct the violation(s). If the corrective actions are not undertaken within the specified timeframe, Urban Forestry may impose any or all of the following actions until the violation is corrected:

- Temporary work stoppage
- Revocation of the Programmatic Permit
- Denial of future Programmatic Permits
- Additional conditions imposed upon the activities permitted by the Programmatic Permit
- Enforcement penalties
- Civil penalties up to \$1000 per tree per day of violation
- Restoration fees imposed for trees subject to violation.

#### a. Fees shall follow the adopted Title 11 fee schedule at [www.portlandoregon.gov/trees/fees](http://www.portlandoregon.gov/trees/fees).

### 5.4 **Revisions**

Urban Forestry may modify the specifications of the permit in order to respond to concerns, changes in regulations, or previously unforeseen issues. The permittee shall be notified at least three weeks in advance in writing of the intent to modify the permit and shall be provided an opportunity to comment on the proposed changes. The permittee shall also have an opportunity to appeal the permit if changes are made. Changes shall not go into effect until the permit is updated in writing.

## 6.0 INDEMNITY:

Comcast shall hold harmless, defend, and indemnify the City of Portland, and the City's officers, agents, and employees against all claims, demands, actions, and suits (including all attorney's fees and cost, through trial and on appeal) brought against any of them arising from activities under this permit.

## 7.0 RESOURCES:

*ANSI A300 (Part 1)-2008 Pruning: Tree Care Operations: Tree, Shrub, and Other Woody Plant Management: Standard Practices (Pruning)*. Revision of ANSI A300 (Part 1)-2001. 2008. American National Standards Institute, Washington, DC.

*ANSI Z133-2012 for Arboricultural Operations: Safety Requirements.* 2012. American National Standards Institute, Washington, DC.

Gilman, Edward and Sharon Lilly. *Best Management Practices: Tree Pruning, Second Edition.* 2008. International Society of Arboriculture, Champaign, IL.

*Street Tree Pruning Standards.* 2014. City of Portland, Portland Parks & Recreation Urban Forestry, Portland, OR.

8.0 APPENDICES:

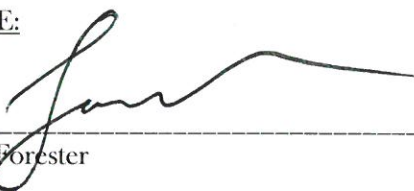
Appendix A - Comcast report template

Appendix B - Inspection Request Form

9.0 SIGNATURE:

By:

City Forester



Date:

3/11/20