



# HB 3049: County Right Of Way Permit Fee Authority

Data based on 2020 County Road Program Survey

## Introduction

The county road network is a critical component of Oregon's integrated transportation system, responsible for 41 percent (32,840 miles) of Oregon's public road network, including local access roads and 10,442 miles of unpaved roads.

Under ORS 758.010 utilities providing water, gas, electric or communication service lines, fixtures and facilities can operate within the county right of way free of charge. Counties can request a utility relocate to accommodate construction activities in the county right of way, but utilities can opt-out of the work leaving counties to manage the move and the cost recovery process. When a utility delays answering a relocation request, the county has no means to recover costs associated with the delay.

*"The county spends an extraordinary amount of time coordinating with a number of utilities on a very robust capital program. Most project managers try to build extra time into projects to account for anticipated delays in utility coordination and relocation."*

## What is a Utility Permit?

Every county is responsible for managing the public right of way on county roads, which includes managing the location of utility facilities using free permits.

Counties are responsible for utility permit review which typically includes the administration of filing the permit, reviewing relevant traffic control plans, and site inspections before/during and/or after construction.

## Impacts of Utility Permitting on County Road Departments

Counties issue an average of **291 permits each year**.

- Counties have an average of two staff dedicated to utility permit review. Staff require a background in construction to conduct the review and site inspections, they are typically an engineer or engineering tech.
- Counties spend an average of **969 hours** on permit review each year - an estimated **\$93,985 of county funds** - which doesn't include the cost of equipment, vehicle expenses, materials, or GIS support.
- Funding spent on permit review comes out of the county's State Highway Fund distributions, which results in reduced resources for critical operation and maintenance activities on county roads.

*"we struggle mightily to provide the resources necessary to adequately review utility installations."*