



February 3, 2021

House Committee on Economic Recovery and Prosperity  
Oregon State Capitol  
900 Court Se. NE  
Salem, OR 97301

**RE: Opposition to HB 2613 by League of Oregon Cities**

Dear Chair Lively and members of the committee,

The public right of way (ROW) is one of the most important and largest assets owned by the residents of the cities. As longstanding managers of the public ROW, cities are all too familiar with the impact of use and in some cases abuse of the ROW. It is a heavy lift when it comes to managing ROW users and their infrastructure, which translates into real costs, impacts and risks. HB 2613 would create an administrative burden on cities, could lead to delays in infrastructure projects, could lead to equity issues amongst utility providers and lead to public safety issues. That is why the League of Oregon Cities is opposed to this bill.

Section 1 of HB 2613 tries to mitigate the necessity of opening up roads over and over to install infrastructure by setting up an open trench notification system that cities, counties and the state would be required to have in place to alert telecommunications providers of an opportunity to put in broadband infrastructure from conduit to fiber. While we can appreciate the goal of not repeatedly digging up roads, mandating open trench notification may not solve the problem of getting more broadband infrastructure in the ground and could cause unnecessary burdens on cities. Notifying telecommunication providers for every infrastructure project that requires excavation including maintenance type projects (e.g. road resurfacing) would cause a costly administrative burden on ROW managers, especially in small cities that tend to have smaller staff sizes. Additionally, this could add to the number of permits and applications cities are handling if many providers want to be included in a project they were notified about and slow down permitting turnaround times for all ROW infrastructure providers. Waiting 30-days for a provider to determine if they are interested in the process could delay vital infrastructure projects altogether. At the same time, there is no guarantee that telecommunication providers will be interested in any projects at all.

Section 2 of HB 2613 requires that permits for telecommunications be turned around by cities in 72 hours and all other types of permits be turned around in 60 days. This expedited timeline to turn around permits would likely cause cities to hire more staff to handle the administration of

permits. Additionally, this expedited permitting timeline for telecommunications providers would create an equity issue between utility providers in the ROW. Cities aim to treat all utility providers the same when managing the ROW. It would be unfair to prioritize and hold each utility to a different standard to access the ROW.

Section 2 and 4 of HB 2613 would both increase risks to public safety. A 72-hour timeframe on reviewing and responding to permits would hamper a city's ability to do their due diligence that a proposed project is safe. For some cities, multiple departments must sign off on a permit application for the project to move forward. Lastly, this bill would not allow cities to require permits applications that include prepared plans detailing the depth and location of other underground facilities in the area of the proposed project if the project is 1000 feet or less in length. It is important for cities and providers to know where any undergrounded utilities are so existing utility infrastructure does not become damaged during the undergrounding of new broadband infrastructure. No one wants to accidentally damage a gas, sewer or water line while trenching.

Broadband infrastructure and increased connectivity is a priority for the LOC, but we believe this bill will jeopardize cities ability to manage public rights of way in a manner that is safe and effective for community members and utilities alike. The LOC respectfully urges the committee to oppose HB 2613.

Respectfully,

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