



February 3, 2021

House Committee on Economic Recovery and Prosperity
900 Court St. NE
Salem, OR 97301

RE: House Bill 2613 Sets forth certain requirements related to the permitting and siting of broadband infrastructure.

Dear Chair Lively, Vice-Chair Cate, Vice-Chair Kropf and Members of the House Committee on Economic Recovery and Prosperity,

I am writing to share the City of Beaverton's opposition to House Bill 2613, which sets forth certain requirements related to the permitting and siting of certain telecommunications infrastructure.

Based upon the requirements of HB 2613, the City would have to provide noticing on all permitted projects, including private development and other utility projects. The City issues approximately 700 permits annually that would require notification under this bill—even minor permits for sidewalk repairs would require notification. Meeting the notification requirements would require increased staffing, resulting in an unfunded mandate. The City estimates that this legislation would force the City to add at least 1.0 – 2.0 FTE (\$100,000 - \$200,000) to adequately “develop and implement an open trench notification policy establishing the standards and processes to carry out” the requirements of Section 4a.

HB 2613 would also delay all affected projects—both public and private sector—for at least 30 days while the City waits for a response from notified parties. Most of the City's utility and right of way permits are issued within 3-5 business days of application. So this proposed legislation puts the burden on staff to delay permit issuance until the 30-day deadline expires, and if a notified party does respond, staff must then review the information and determine whether the request can be accommodated, collect and assess if information received is viable and inform the interested broadband provider and the permittee. This bill also unfairly prioritizes telecommunications providers over other utility providers.

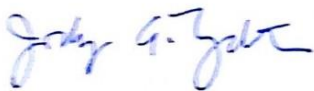
Additionally, if there is an actual timely opportunity to co-locate, the bill does not specify how the cost for the restoration of the right of way is to be allocated. The City should not be responsible for those additional costs, nor does it want to become the arbitrator in these situations.

Finally, HB 2613's benefit to the residents of Beaverton is questionable. There is no guarantee that broadband providers will extend infrastructure in the locations of the projects with open trench work, resulting in an administrative and fiscal burden on the City—and ultimately its taxpayers—without a benefit to those taxpayers. Simply put, most providers only put in conduit and fiber in locations they know will be profitable.

HB 2613 forces an unfunded mandate on the City, delays both public and private projects—large and small—detrimentally impacting the customer service and permit work of the City of Beaverton, all with questionable benefit to the taxpayers and residents seeking broadband services.

The City of Beaverton opposes House Bill 2613 and urges the committee not to take any further action in this bill.

Sincerely, ..



Jody A Yates, PE, CFM
Site Development Manager