



## Support SB 1566A - County Right-of-Way Fix

### *Workgroup Compromise Bill Helps Counties Recover Permit Costs*

**Senate Bill 1566A** provides a limited lifting of the state’s preemption on counties recovering costs from permitting utility work in county-owned right-of-way. During the interim, a bipartisan group of Senators convened a workgroup of utilities and county officials to develop and refine the proposal that became SB 1566. The bill passed the Joint Transportation Committee on a bipartisan vote. We want to thank Senators Findley and Gorsek and the members of the workgroup. We urge legislators to vote “Yes” on SB 1566A.

**Current Situation:** Oregon law currently preempts counties from charging certain utilities—water supply, gas, electric, communications—for permits required to do any construction, repair, or maintenance work in the right-of-way, which is the road and the public land that abuts the road. As a result, counties have to divert taxpayer dollars that should instead help to fund road maintenance and operations.

**What SB 1566A does:** The bill narrowly lifts the state preemption and provides counties with an optional new process to get costs recovered for right-of-way work by the utilities listed above. Counties can adopt an ordinance that allows for permit fees on work that involves staging in or digging up roads and adjacent areas in the right-of-way. The bill caps fees and requires completed fee permits to be issued or denied within 15 business days.

**What SB 1566A does not do:** Currently, counties can already charge permit fees for wastewater, stormwater, and sewage. SB 1566A doesn’t change that. The bill also prohibits counties from charging for maintenance work like vegetation clearing. The bill does not require all counties to charge for or issue permits within 15 days, only those Counties which opt in. The bill sunsets in 2031, so the Legislature will have the opportunity to revisit this new program.

Contact: Tom Powers, Multnomah County [tom.powers@multco.us](mailto:tom.powers@multco.us)

February 21, 2024