



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

February 8, 2024

Joint Committee on Transportation
900 Court Street NE
Salem, OR 97

Re: SB 1566

Dear Co-Chairs Gorsek and McLain, Members of the Committee,

The City of Portland Bureau of Planning and Sustainability is neutral on counties having the ability to require and charge a fee for permits for the construction, alteration, relocation, or maintenance of lines, fixtures, or facilities in their rights-of-way. We are submitting this testimony to articulate our concern that some aspects of the bill, such as the 15-day timeline and fee cap, will be used as barometers to pressure other jurisdictions into adopting similar policies.

More broadly, this concern relates to an overarching industry narrative that local government permitting processes represent a needless barrier to development, rather than the safety, equity, and environmental protections that drive most local government permitting processes. This narrative is especially prevalent in the telecommunications industry where there have been multiple efforts in the last year to preempt local authority at the federal and state levels. At the federal level this effort is most apparent in H.R. 3557 which, if passed, would have severely hampered the ability of municipalities to manage their rights-of-way. The narrative is also plainly visible in industry comments to the Oregon Broadband Office regarding the state implementation of the Broadband Equity, Access, and Deployment Program.

Like the counties, cities are entrusted with the fair and just management of the public right-of-way and as a municipality we must ensure that the public receives fair and just compensation for use of this public asset. As such, we understand and respect the intent of this bill to provide counties with the ability to recover some of the cost of maintaining their rights-of-way. We also request clear boundaries for industry negotiators that the terms agreed upon by the counties in Oregon in no way represent any kind of commitment from cities nor should they be construed that way.

Sincerely,

Donnie Oliveira
Director
Bureau of Planning & Sustainability

