



**Testimony by City of Wilsonville Mayor Shawn O'Neil  
Opposing and Seeking Amendments to HB 3336-2:**

***Proposed Legislation Contains Substantial Ambiguities Apt to Create  
Legal Challenges; Recommend Interim Work Group to Iron-Out Details***

Scheduled for public hearing on May 12, 2025, before  
the Senate Committee On Energy and Environment

Chair Sollman, Vice Chair Brock Smith, and Members of the Committee:

I am testifying in opposition to HB 3336-2, which preempts local government processes to make a decision on an application to upgrade an existing electric power transmission line using ambiguous terms and phrases apt to create costly legal challenges.

Our initial concerns pertain to issues that the bill raises but does not address that include:

1. Is there a technical or regulatory distinction between a “high-capacity electric line” and a “transmission line”? For example, are the terms interchangeable under Oregon law or utility industry standards, or do they serve different functional or classification purposes?
2. If the terms are effectively equivalent, and the bill adopts a 57,000-volt threshold for transmission lines, would this require local jurisdictions to update their development codes to reflect the new threshold to remain consistent with state law and avoid legal or permitting ambiguity?
3. What are the governing statutes for tree removal within a utilities ROW and does that definition match the definition in the bill?

Additionally, there is a need for increased specificity on exactly what utility infrastructure is allowable. Page 1 line 15/16 of the -2 amendment could be tightened up “...appurtenances and all related facilities required for the acceptance of electric services by the transmission lines”. In the same vein, the following terms could use definitions as these are not layperson terminology: Conduits, Conductors, Guys, Cutouts, Capacitors, Stubs, Cutouts, Switches.

HB 3336-2, page 2, Line 5, Section 4 (2)(c) states: “Does not expand the footprint of any part of the transmission lines if sited within an area designated for a statewide land use planning goal relating to natural disasters or hazards, including floodplains, riparian zones or environmental health hazards.”

Again, the City is concerned about ambiguous terms and phrases that are not defined in law or rules:

- “Footprint” should be defined. For example, is this the structure and lines itself and the managed area? What is the definition of “footprint” when in a natural resources area?

- This is too narrowly written in the reference to “natural disasters and hazards.” Our main concern is that it encompass City overlays for natural resource protection that are Goal 5 resources, as well as Willamette River Greenway resources, Goal 15. These are our environmental overlays and river overlays.
- This should also include a limit on disturbance in natural resource areas for construction access and staging, as well as managed area if that is not included in footprint. The limit on disturbance could also be handled in the clear and objective standards in Section 5.

HB 3336-2, page 2, Line 16, Section 4(3)(a) states “May be subject only to clear and objective standards that do not require the exercise of judgment by the decision maker;” Greater clarity is needed in order to determine how a local government is to process an application for transmission line upgrades to implement grid enhancing technologies::

- Are those set by the local jurisdiction, or would there be rulemaking involved?
- It would be better to have a requirement for standards, but allow for a discretionary review for situations that don't meet the standards. The City assumes this is what is intended, but that isn't clear.
- If there is direction added about what can/cannot be in the clear and objective standards, the City recommends that jurisdictions be allowed to set reasonable parameters on how much the facility is allowed to expand its footprint/managed area under the standards and limits on resource impacts, such as tree removal.
- Make sure there is adequate time to adopt the standards and alternative review.

HB 3336-2 as written contains many ambiguities that may likely lead to expensive litigation by electric utilities, local governments and other interest due to differences in interpretation. The City recommends creating an interim work group to further refine the proposed legislation. In the alternative, adopt the base bill HB 3336 without the -2 amendment. The City understands that Representative Gamba worked for 18 months to draft HB 3336. The proposed removal or significant reduction of land use requirements is a more recent request made by an electric utility that should have been vetted during the 18-month bill-preparation time and not added at last minute.

The City of Wilsonville appreciates your consideration and urges tabling HB 3336-2 and urges the committee to form an interdisciplinary workgroup composed of local government, power utility, environmental and other interests to workout the issues identified in this and other testimony. Thank you for your time and consideration.



Shawn O'Neil, Mayor  
City of Wilsonville