

Transportation Division - Planning & Development

Memo

Date: June 16, 2025
To: Water, Gas, Electric, and Communications utility providers
From: Jessica Berry, Transportation Division Deputy Director
Subject: Utility Permit Fees to be implemented per SB 1566
CC: Jon P Henrichsen, Transportation Division Director/County Engineer
Graham Martin, Interim Transportation Development Supervisor

Multnomah County is reaching out to utility providers to let them know that the County will begin charging a fee for utility permits on or after July 1, 2025. The fees will be assessed after the permit is submitted by the applicant and will follow the process that regular paying permittees must follow. Information below is being provided to help permittees prepare for this change.

What will the permit process for utilities look like?

The process for utilities will look very similar to the permit process currently used by paying customers:

1. Utility permit applications will continue to have a separate and distinct application from General right of way permits (how they're accessed will not change in the portal).
2. Utility permit applications will include a fee exemption checklist. Applicants will self-select any fee exemptions, if applicable (see below for checklist).
3. Staff will evaluate the permit application and notify the applicant of the fee based on the County's current fee schedule for all types of work in the right of way. If the charge would exceed \$500 (for regular paying customers), the utility applicant will only be charged \$500 per SB 1566.
 - a. Fee schedule: <https://multco.us/info/transportation-planning-and-development-fees>

What are the exceptions?

The following is a checklist that will be included in the utility permit application. The language draws directly from the bill language. Utility permittees may select an exemption (and will not be charged) if

they're doing the following work.

- ☐ SECTION 2(4)(a): The permit is for vegetation management or vegetation clearance maintenance, and the vegetation management or vegetation clearance maintenance is required by the Public Utility Commission under ORS 757.035 or 757.039 or by a national electric safety code adopted, by rule, by the commission;
 - ☐ **Application is required to** Cite ORS number or NESC number or rule.
- ☐ SECTION 2(4)(b)(A): Routine replacement or maintenance of a line, fixture or other facility, including but not limited to pole replacement;
- ☐ SECTION 2(4)(b)(B): Replacement or maintenance of a line, fixture or other facility required by the commission under ORS 757.035 or 757.039 or by a national electric safety code adopted, by rule, by the commission;
 - ☐ **Applicant is required to** Cite ORS and/or NESC number or rule.
- ☐ SECTION 2(4)(c): The permit is for maintenance of a line, fixture or other facility related to a water system, including a pumping facility, air relief valve, pressure valve or fire hydrant, and the maintenance is essential for the safe operation of the water system;
- ☐ SECTION 2(4)(d): The permit is for relocation of a line, fixture or other facility, and the relocation is required by the county;
 - ☐ **Applicant is required to** provide documentation of County requirement (e.g. Project number).
- ☐ SECTION 2(4)(e)(A): The permit is for emergency or urgent work;
 - ☐ **Applicant is required to** Cite type of work per SECTION 2(4)(e)(B): "emergency or urgent work" includes work required as a result of:
 - ☐ an accident or casualty,
 - ☐ fire,
 - ☐ flood,
 - ☐ drought,
 - ☐ Extreme wind or other natural disasters,
 - ☐ court order or litigation,
 - ☐ breakdown of or damage to a facility,
 - ☐ act of a civil, military or government authority, or
 - ☐ act or omission of a third party.

Where does the authority to charge utilities come from?

This is allowed per Senate Bill 1566, which passed in 2024 and allows counties to charge utilities for permits. Multnomah County passed Ordinance 1329 on October 24, 2024 allowing the County to begin collecting fees on or after July 1, 2025. The County is in the process of setting up the permit portal to accept payment for Utility permits.

Why don't utilities have to pay the full cost?

Prior to 2024, Oregon State Law prohibited counties from charging certain utilities (water, electric, gas, communications) for any work in the right of way (ORS 758.010). SB 1566 changed this law, but limited the amount that Counties can charge utilities. This amount is \$500 in 2024 and can be indexed to keep up with inflation.

Outreach

This information is being shared through the following mechanisms:

1. This memo is being sent to all utility providers that work with Multnomah County
2. The memo is being sent to the lobbying groups that worked on SB1566
3. The information is also posted on the County's website:
<https://multco.us/info/transportation-permit-applications>
4. Notification is also being provided on the County's Right of way email
(ROW.Permits@Multco.us)