



UTILITY PLACEMENT PERMIT APPLICATION
FOR UTILITY WORK IN THE RIGHT-OF-WAY

Department of Community Services

Transportation Division

1620 SE 190th Avenue

Portland, OR 97233-5910

Email: ROW.Permits@multco.us

Phone: (503) 988-3582

Fax: Fax (503) 988-3321

FOR OFFICIAL USE ONLY

Permit Number: _____

Permit Approved By: _____

Title: _____

Permit Effective Date: _____

INSURANCE REQUIRED: YES FEE: _____

FOR OFFICIAL USE ONLY – INSPECTOR STAMP:

Date Started: _____

Final Inspection: _____

Approved By: YES _____ **NO** _____

Remarks: _____

APPLICANT INFORMATION:

Name:			
Mailing Address:			
Email Address:			
Phone/Fax:			
Work Order Number:			
24-Hour Contact Person & Number:		License or CCB Number(s):	

JOB SITE INFORMATION & LOCATION:

Site Address: *IF NO ADDRESS, PROVIDE DETAILED INFORMATION TO HELP LOCATE YOUR PROJECT	
Tax Lot:	
Tax Map:	

CONTRACTOR INFORMATION:

Company Name:	
Contact Name:	
Mailing Address:	
Email Address:	
Phone/Fax:	

TRAFFIC CONTROL / ATTACHMENTS:

<input type="checkbox"/> Check Here to REQUEST CONSIDERATION for Use of Steel Plates in the Right-of-Way
<input type="checkbox"/> ODOT Temporary Traffic Control Handbook (Dec.2011 Diagram Numbers):



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Email: ROW.Permits@multco.us
Phone: (503) 988-83582
Fax: Fax (503) 988-3321

Project Plans:

☐ Plan View of the Project Site and Project – **INCLUDE**
detailed information (i.e. address of project work)

☐ Erosion Control Plan

Traffic Control Plans:

☐ Traffic Control Plan Included

☐ No Traffic Control Plan Needed – **REASON:**

DESCRIPTION OF WORK:

☐ New ☐ Facility ☐ Bore ☐ Plow ☐ Core ☐ Drill ☐ Street Cut ☐ Trench ☐ Hole Hog ☐ Other (specify) _____

UTILITY TYPE:

☐ Cable ☐ Electric ☐ Gas ☐ Sanitary ☐ Phone ☐ Storm ☐ Telecomm ☐ Water ☐ Other (specify) _____

SIZE OF PROPOSED EXCAVATION:

Length (ft.): _____ Width (ft.): _____ Depth (ft.): _____ Bore Line (ft.): _____

DESCRIPTION OF WORK: _____

GENERAL APPLICATION/PERMIT TERMS:

1. Upon approval of this Application by Multnomah County by the indicated signature below, this page shall become the first page of the Permit and the Applicant shall become the "Permittee."
2. Permittee must notify Multnomah County at 503-988-3582, at least one business day (24 hours) before commencing work under this permit.
3. Except as allowed under the Multnomah County Road Rules Section 18, Subsection 18.250, Permittee must complete any authorized demolition, installation, construction, placement, or similar work activities in the road right-of-way not later than 120 days after Permit Effective Date. Any extension of time beyond that period is subject to the sole discretion of Multnomah County.
4. Any Permit issued pursuant to this Application shall be applicable only to the specific public road right(s)-of-way under the Jurisdiction of Multnomah County authorized and identified herein. Applicant must obtain an additional permit or consent from Multnomah County for the use of any other public road right(s)-of-way under the County's Jurisdiction.
5. Applicant must obtain the consent from the appropriate authority for the use of any roads, highways, and streets that are not under Multnomah County's Jurisdiction.
6. This Permit shall not be effective until a construction plan; specifications or other similar documentation has been reviewed and approved by the County Engineer or designee and incorporated into the Permit.
7. This Permit includes the "**Permit Provisions**" attached hereto and which are incorporated by this reference.

(Authority: ORS 374.305-ORS 374.330; ORS Chapter 758; MCC Chapters 27 and 29)

Applicant's Signature: _____ Date: _____

Applicant's Print Name: _____ Date: _____

RIGHT OF WAY USE PROVISIONS FOR UTILITY PERMITS

1. (A) This Permit is issued by Multnomah County as a jurisdictional authority (hereinafter “County”) over the Right of Way described on Page 1 of this Permit (the “Right of Way”) to the Permittee (County and Permittee hereinafter collectively referred to as the “Parties”) and controls all aspects of the Right of Way Use(s) set forth on Page 1, and as further provided in and subject to:
 1. If applicable, **Exhibit A**, which shall consist of any plans, specifications, drawings, or other design documents (collectively referred to as the “Plans”) attached hereto, or as the Parties agree in writing to amend or revise said **Exhibit A** and which shall not be changed, altered, or modified without first obtaining the written consent of the County Engineer or the County Engineer’s designee;
 2. If applicable, the Miscellaneous Provisions in Section 15. A;
 3. To the extent applicable, **Exhibit A** is hereby incorporated as a part of this Permit.
- (B) This Permit does not authorize any activity on privately owned property. Should Permittee’s activities encroach beyond the boundaries of the Right of Way covered under this Permit or otherwise exceed the jurisdictional authority of the County, Permittee shall obtain written consent from any owners of property abutting the Right of Way before beginning any work under this Permit.
- (C) This Permit has been issued in connection with work done in a public road that is authorized pursuant to the provisions of ORS 758.010(1) “...to construct, maintain and operate its water, gas, electric or communication service lines, fixtures and other facilities...” along said public road; the County reserves all the rights under ORS 758.010(2) to direct the Permittee to relocate any such fixture, line or facility in the subject public road.
- (D) This Permit is subject to ORS Chapters 374 and 758 and incorporates the following rules adopted by Multnomah County pursuant to Multnomah County Code Chapters 27 and 29:
 1. **The Multnomah County Road Rules (MCRR)**, dated March 27, 2018, or as the MCRR shall be amended, and
 2. **The Multnomah County Design and Construction Manual (DCM)**, and as the DCM shall be amended.
- (E) For purposes of this Permit, the term “Permittee” shall refer to all parties acting under this Permit, including the the Applicant and any contractors and/or agents acting on behalf of the Applicant in performing the work authorized under this Permit. The use of the term “Permittee” shall not be intended to limit the number of parties that Applicant engages to perform its work under this Permit.
2. (A) The County contact person to coordinate work activities on the Right of Way shall be: [\(503\) 988-3582](tel:5039883582), e-mail: ROW.Permits@multco.us, or as listed in [Miscellaneous Provisions](#).
- (B) Permittee contact person shall be listed on the cover pages of this permit or under the Miscellaneous Provisions.
3. (A) Prior to beginning any work or activities under this Permit, the Permittee shall confirm in writing to the County that Permittee has obtained a commercial general liability insurance policy that provides: (i) for a combined single limit of not less than \$1,000,000 per each incident or occurrence, and with an annual aggregate limit of not less than \$2,000,000 ; (ii) for extended reporting period coverage for claims made within two years after the activities, work or associated work authorized under this Permit is completed; (iii) for the County, its officers, employees and agents to be named as additional named insureds for all activities, work or associated work being authorized under this Permit. This Permit is automatically revoked without further action if the insurance is permitted to lapse, is canceled, or for any other reason becomes inoperative. Insurance policy limits quoted herein are minimums set for 2014 and shall be subject to County review and adjustment annually.
- (B) Alternatively, if Permittee is self-insured for the risks for which insurance is required under this Permit, and if

Permittee's self-insurance verification is submitted to the County, Permittee shall not be required to procure insurance as required under Subsection 3(A). For the duration of this Permit, Permittee shall annually provide written verification of self-insurance to the County. This requirement may be waived for governmental entities who have previously provided their verification of self-insurance.

4. (A) To the extent allowed under the Oregon Constitution and the Oregon Tort Claims Act, the Permittee agrees to defend, indemnify, and hold harmless the County, its officers, employees, and agents (the "Indemnitees") from all claims, demands, suits, liabilities, damages, losses, costs, or expenses, including but not limited to attorney's fees, that the Indemnitees may sustain or incur on account of any damage to or destruction of any property that the County or any person, party or corporation may own or in which it may have an interest, or from the injury or death of any person or persons, which arise out of or are in any way connected with the activities conducted or work performed under this Permit by the Permittee, their officers, employees, contractors, agents, or other parties accessing or working on utilities. This duty to defend, indemnify and hold harmless does not apply to parties accessing or working on utilities which obtain separate permits for such access and work.

(B) To the extent allowed under the Oregon Constitution and the Oregon Tort Claims Act, the Permittee agrees to defend, indemnify, and hold harmless the Indemnitees from all claims, demands, suits, liabilities, damages, losses, costs, or expenses which arise out of or are in any way connected with the use, generation, manufacture, storage, discharge, release, disposal, transportation, or possession of Hazardous Materials by the Permittee, its employees, contractors, or agents at any time during the term of this Permit at the Permit Site. "Hazardous Materials" means:

(a) any petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel, or any mixture thereof, flammable substances, explosives, radioactive materials, hazardous wastes or substances, toxic wastes, wastes or substances or any other materials or pollutants which:

(1) pose a hazard to the Permit Site or to persons on or about the Permit Site, or

(2) cause the Permit Site to be in violation of any federal, state, or local law, ordinance, regulation, code, or rule relating to Hazardous Materials;

(b) asbestos in any form which is or could become friable, urea formaldehyde foam insulation, transformers, or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls in excess of fifty (50) parts per million;

(c) any chemical, material, or substance defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "extremely hazardous waste," "restricted hazardous waste," "waste" or "toxic substances," or words of similar import under any applicable local, state, or federal law or under the regulations adopted or publications promulgated pursuant thereto including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq.; the Hazardous Materials Transportation Act, as amended, 49 U.S.C. § 1801, et seq.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901, et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251, et seq.; and

(d) any other chemical, material or substance, exposure to which is prohibited, limited, or regulated by any governmental authority or may or could pose a hazard to the health and safety of the owners and/or occupants of property adjacent to or surrounding the Permit Site.

(C) The Permittee's obligations under Section 3 and Section 4 herein, shall survive the termination of this Permit to the fullest extent as allowed or recognized under applicable law, statutes, codes or regulations.

(D) Notwithstanding the foregoing language in this Section 4(A), Permittee shall not be liable for (and the foregoing indemnity obligations shall not cover) any claim, demand, suit, liabilities, damages, losses, costs, or expenses to the extent the same resulted from the negligence, willful misconduct or strict liability of Multnomah County, its officers, employees, contractors or agents.

5. Traffic control is the responsibility of the Permittee and shall be performed in accordance with the Manual of Uniform Traffic Control Devices and Oregon Supplements. The Permittee shall submit a copy of the traffic control plan for County review and approval not less than five working days prior to the date the activities or work authorized under this Permit are scheduled to begin. Work or activities shall not begin until written approval of the traffic control plan is obtained from the County Engineer or designee.
6. The Permittee shall provide the name and telephone contact number for its Project inspector or contractor, and a 24-hour emergency telephone number(s) for the Project inspector or contractor, prior to beginning activities or work under this Permit.
7. Within 30 days of request by the County, Permittee shall provide the County with a list of all current or pending lessees leasing space from Permittee within the Right of Way, which shall include contact information for lessee.
8. **ATTENTION:** Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center (the "Center"). Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. You may obtain copies of the rules by calling the Center. The telephone number for the Center is (503) 232-1987.
9. No modification shall be made to any fixture or installation as shown on Exhibit A and authorized under this Permit without prior approval from the County.
10. The Permittee shall restore the Right of Way to an equal or better condition than existed prior to the activities or work authorized under this Permit. The Permittee is responsible for quality control of all demolition or new construction made to the Right of Way. The County may perform spot inspections to monitor quality control. The Permittee shall correct all construction work that does not conform to County standards. The County may require additional work to return the Right of Way to "as good" or "better" condition.
11. The Permittee shall be in compliance with all federal, interstate, state, regional, and local laws, regulations, rules, and ordinances, pertaining to all the activities or work performed under this Permit including, but not limited to, obtaining all necessary and applicable construction and erosion control permits and approvals prior to beginning the activities or work authorized under this Permit and compliance with all applicable business licenses, OSHA rules and regulations.
12. **(A)** For emergency work in the Right of Way, County shall have the right, upon such reasonable notice to Permittee as may be accomplished given the time and circumstances of the emergency event, to at any time (including during any of Permittee's activities or work of any kind in the Right of Way), enter and occupy the entire or any part of the Right of Way for the purpose of inspecting, maintaining, repairing, renewing, replacing or reconstructing the Right of Way, or any replacement facility thereto as County in its sole discretion shall deem necessary and appropriate. Notwithstanding the rights established under this Subsection 12(A), in an emergency situation County shall make reasonable efforts to coordinate with Permittee to ensure the restoration of the Right of Way and any utilities in the Right of Way is accomplished in the most effective and safe manner.

(B) For non-emergency work in the Right of Way, County shall comply with the requirements of ORS 758.025 to coordinate with Permittee on any County projects, construction or other necessary work in the Right of Way that will require the relocation of Permittee's installations.
13. County's activities described in Section 12 may require Permittee, its contractors, agents or sublessees (collectively "Permittee Parties") to remove or relocate any fixtures, installations, facilities or personal property, including but not limited to: vehicles, machines, tools and equipment from their existing location in the Right of Way. Upon entry, County shall, without liability to Permittee Parties, have the right to remove any such fixtures, installations facilities or personal property from the Right of Way as may be necessary to accomplish the required work if Permittee fails to act in accordance with the County's directive under ORS 758.010(2), and to remove Permittee's fixtures, installations, facilities, or personal property in a timely manner. County shall have no obligation to restore or repair any improvements removed or damaged in the performance of County's work done under these Sections 12 and 13. Permittee Parties agree that County shall have no obligation to restore the Right of Way or Permittee

Parties' improvements and County shall have no liability to Permittee Parties for any disruption of Permittee Parties' business, for loss of Permittee Parties' real or personal property, for Permittee Parties' lost profits or for any other loss incurred by Permittee Parties as a result of such entry or as a result of Permittee Parties being required to vacate the Right of Way pursuant to the terms of these Sections 12 and 13.

14. Consistent with ORS 374.309 and 758.010:

(A) The Permittee shall bear the duties imposed under ORS 374.315 to ORS 374.320 with respect to maintenance, repair or removal, as applicable to the type of Project authorized under this Permit, and such duties shall include any work on adjacent property affected by the permitted work

(B) The Permittee shall complete the work in a timely manner to the satisfaction of the County and as may be described elsewhere in this Permit. Any substantial change in scope of work requiring further County resources will result in additional fees in accordance with the adopted fee schedule and the MCRR. Any additional work required by the Permittee to correct or repair damages caused by the Permittee's activities will be subject to the same time limits as the original work unless the County grants additional time.

(C) As provided in the MCRR Subsections 18.275 E. and 18.700, the County may require surety bonds as performance and maintenance guarantees if deemed necessary by the County Engineer for the work proposed under this Permit.

(D) As provided in the MCRR Subsection 18.135: "The time limits provided in a permit to complete construction, placement, installation or similar activities shall be controlling; if the authorized activities are not completed within the specified time the permit shall expire. A permit may be extended at the discretion of the County Engineer for good cause shown upon timely written request of the permittee prior to the original expiration date and the payment of any applicable extension fee as established by the Board of County Commissioners." The County may require a schedule for work completion and assess damages for delays. Damages resulting from delays may include but are not limited to impacts to County capital projects, community impacts, and additional County resources.

(E) As provided by MCRR Subsection 18.475 B., in the event the Permittee fails to perform and the County incurs reasonable and necessary expense to correct, mitigate, or abate damages related to the Permit, the Permittee shall reimburse the County within 10 days of receiving a bill.

(F) As provided by MCRR Subsection 18.450, the County reserves the right to stop the activities or work performed under this Permit for failure to comply. All costs associated with activities or work stoppage or revocation as provided herein are the responsibility of the Permittee, and all costs shall be borne by the Permittee.

(G) As provided in the MCRR Subsection 18.130: "A permit may be revoked at any time by mutual consent; for failure of the applicant to abide by the terms and conditions of the permit as determined in the sole discretion of the County Engineer; to protect public safety or to serve the best public interest as determined by the County Engineer; or by the operation of law."

15. (A) Miscellaneous Provisions (if any) (County to fill this section)

IF APPLICANT IS CLAIMING FEE EXEMPTION, PLEASE SEE THE MEMO ATTACHED TO THIS FORM AND FILL OUT THE EXEMPTION CHECKLIST.

(B) Permittee's Initials for Signature: _____

(Add any specific special terms or conditions unique to the Permit Site here. Permittee must initial here to indicate acceptance of the additional special terms and conditions. Add additional sheets as necessary.)

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.
ORS or NESC NUMBER:
- ☐ 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.
ORS or NESC NUMBER:
- ☐ 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)