

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185

Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner **Leah Treat** Director

Portland in the Streets Program Administrative Rules March 2018

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PORTLAND IN THE STREETS



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

1. Program Purpose and Goals

Placemaking, community building, and active transportation are appropriate reallocations of right of way. This concept is detailed in the **LIVABLE STREETS STRATEGY** report as adopted under Resolution 37325 on October 25, 2017. The Livable Streets Strategy supports innovation by opening Portland's streets, sidewalks, curb zones, plazas and alleys to a range of events, programming and physical structures that reinforce the idea that public streets are public spaces, for people of all ages and abilities to enjoy. The Livable Streets Strategy project informed the PORTLAND IN THE STREETS PROGRAM which guides placemaking and community use projects in the public right-of-way.

PORTLAND IN THE STREETS PROGRAM WILL:

- Develop space for community gathering
- Promote healthy and active lifestyles
- Build community identity
- Activate underutilized space
- Generate local business activity

The Portland in the Streets Administrative Rule implements the **LIVABLE STREETS STRATEGY's** policy statement "*PBOT prioritizes people by encouraging the use of the right-of-way for community gathering spaces, placemaking and programming*".

PORTLAND IN THE STREETS PROGRAM GOALS:

- Reduce barriers for community-led placemaking projects
- Ensure citywide access to program and equitable geographic distribution of placemaking projects
- Encourage placemaking projects that reflect community needs and character
- Encourage experimentation and innovation

2. Policy Support

There is considerable policy support for community placemaking activities in the City's existing planning and policy documents. The goals and policies outlined in these plans will provide critical implementation direction to make Portland in the Streets projects come to life. These rules support the following existing City policies:

- **Comprehensive Plan** - The 2035 Comprehensive Plan sets the framework for the physical development of the city and will help implement the Portland Plan. The 2035 Plan calls for designing a city for people that encourages community uses and public functions in the right-of-way.
- **Portland Plan** - The Healthy Connected City strategy of the Portland Plan aims to create safe and complete neighborhood centers.
- **Central City Plan** - The Central City 2035 Proposed Draft Plan calls on the City to leverage the right-of-way for the creation of great public spaces.

- **Transportation System Plan** - The Transportation System Plan (TSP) represents the long-range plan guiding transportation investments in the city.
- **Livable Streets Strategy** - Adopted under Resolution 37325 on October 25, 2017. The Livable Streets Strategy supports innovation by opening Portland’s streets, sidewalks, curb zones, plazas and alleys to a range of events, programming and physical structures that reinforce the idea that public streets are public spaces, for people of all ages and abilities to enjoy.

3. Permit Process

The following is the general process for a Portland in the Streets project and permit process. Specific program areas will have their own requirements and process details, which can be reviewed in Section 6:

- Initial / Idea Submittal** – Applicant submits project/event idea via online submittal portal
- Project/Event Scoping** – Applicant and assigned project liaison work on the details of the project/event and permit application
- Permit Application Submittal** – Applicant submits final permit application
- Permit Application Review** – Project Liaison circulates the application for review internally and with partner agencies
- Permit Issuance** – Application accepted, applicant pays fees, and PBOT administers permit
- Installation & Inspection** – Applicant executes project/event, PBOT inspects for compliance (if necessary)
- End of Project** – Applicant cleans up or uninstalls project/event
- Post-Project/Event Reporting** – Applicant reports back on project/event to PBOT

4. Community Support/Notification Scale

Community Support may be required for Portland in the Streets program areas. The table below details the standard community support requirements. Specific program areas will discuss which level of support is required and could have additional requirements not listed in the table, or items in the table might not be required. Many factors are reviewed to determine which level is required, such as, number of intersections and streets closed, street classification, transit and emergency routes, attendance and duration. Failure to meet all the requirements does not necessary mean the project/event will not move forward. Those projects/events will be reviewed on a case by case basis and reviewed with compliance to the Portland in the Streets program goals.

Community Support/Notification Scale

	Simple	Moderate	Complex
Scoping	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Notify Neighborhood Association + Business Association Submit intake form to PBOT 	<ul style="list-style-type: none"> Notify Neighborhood Association + Business Association Submit intake form to PBOT
Required in Application	<ul style="list-style-type: none"> Flyer 100% of adjacent occupants 	<ul style="list-style-type: none"> Flyer 100% adjacent occupants Signatures 60% to 80% adjacent occupants PBOT notifies Neighborhood Association + Business Association 	<ul style="list-style-type: none"> Flyer 100% adjacent occupants Signatures 60% to 80% adjacent occupants PBOT notifies Neighborhood Association + Business Association Public Notice Sign PBOT notifies occupants within 400 feet before approval
Approval	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Flyer 100% adjacent occupants 	<ul style="list-style-type: none"> PBOT issues traffic advisory
At Project / Event	<ul style="list-style-type: none"> Project / Event Sign 	<ul style="list-style-type: none"> Project / Event Sign 	<ul style="list-style-type: none"> Project / Event Sign
Post Project / Event	<ul style="list-style-type: none"> Get simple demographics (count of attendants) 	<ul style="list-style-type: none"> Follow up survey for data 	<ul style="list-style-type: none"> Follow-up Survey for data Debrief (phone or in person) Email summary report to Neighborhood Association and Business Association

5. Program Areas

The Portland in the Streets permit provides the mechanism to enable Community-Initiated projects within the right-of-way for the purposes of placemaking, community building and active transportation.

The Director of the Portland Bureau of Transportation is authorized to grant permits to close all or part of the right-of-way, either temporarily or for an indefinite period of time for Portland in the Streets permits.

The Portland in the Streets program includes the following Community-Initiated improvements and activities within the right-of-way:

- A. Block Parties
- B. Community Events
- C. Pedestrian Plazas
- D. Spaces to Places
- E. Street Paintings
- F. Street Prototyping

6. Program Area Standards

The following are standard requirements for Portland in the Streets program areas:

A. Block Parties

Block Parties are small scale parties held on residential streets, such as neighborhood potlucks and barbecues that are held by, and for, residents along the street.

CATEGORY	EXPLANATION
1. Duration	Each permit is valid for one day only and may not occur past 10 PM. Permits associated with a street painting may be valid longer than one day.
2. Street Type	<p>A permit is issued only for local service streets satisfying the following criteria:</p> <ol style="list-style-type: none"> 1. Does not have a bus line 2. Does not have metered parking 3. Does not have a bus layover or signalized intersection 4. Is not a designated major emergency route. This list is not exhaustive, and all proposed street closures are subject to evaluation for safety and feasibility as it pertains to maintaining traffic flow.
3. Adjacent Use Types	A block party is permitted in residential areas which may abut mixed-use areas.
4. Community Support/Notification Scale	Simple in accordance with section 4 of this Administrative Rule.
5. Insurance	<p>Insurance is <u>optional</u> for this type of permit. The permittee may want to insure their event through one of the following options:</p> <ol style="list-style-type: none"> 1. Their Homeowners insurance 2. A special rider purchased to cover the closure 3. A special event policy 4. A TULIP policy (Tenant Users Liability Policy).

6. Requirements	<ol style="list-style-type: none"> 1. Provide approved barricades, signs, illumination, and other safety control devices as required by the “Conditions of the Permit for Use of Dedicated Street Area” section of the Permit or as deemed by the City Traffic Engineer 2. That the permit be used for street area only 3. A 11-foot-wide emergency lane shall be maintained at all times for use by emergency vehicles 4. No drinking, dispensing, or transportation of an open container of alcohol liquor upon any street, sidewalk, or other public right-of-way 5. Permittee agrees to hold harmless the City of Portland, its officials, officers, employees, and agents against conditions outlined on the Block Party Application, “Conditions of the Permit for Use of Dedicated Street Area,” section
7. Code / Ordinance Reference	17.24.017

B. Community Events

Community events are larger scale events that occur in the public right of way intended to build a sense of community. These events bring people from the entire neighborhood or region and events support and encourage community gatherings and local businesses.

CATEGORY	EXPLANATION
1. Duration	The duration of a closure is subject to the review.
2. Street Type	Community Events may occur on any street type that is adjacent to a hosting business or organization.
3. Adjacent Use Types	Community events typically occur in commercial areas.
4. Community Support/Notification Scale	Moderate to complex in accordance with section 4 of this Administrative Rule. Notification may be more if determined by PBOT and stakeholder review.
5. Insurance	Required in accordance with Section 7 of this Administrative Rule.

6. Requirements

1. The event must be associated with an adjacent property abutting the location of the event
2. Event must be open to public to attend. Ticketed events may be permitted if the ticket purchase is available to the general public
3. If organizing entity is not a non-profit organization, the event must have a non-profit partner
4. Events cannot be political
5. Pedestrian access must be maintained through each event and be ADA compliant
6. Detour signage for vehicles, bicycles and pedestrian traffic are required by the City Traffic Engineer as indicated on the certified approved traffic control plan
7. Street closures must maintain an 11-foot emergency access lane unless otherwise required by Portland Fire and Rescue
8. 3 feet diameter clearance are required around all fire hydrants and fire department connections on all buildings
9. Event is responsible to obtain and adhere to all other City and State permits and licenses including but not limited to: Noise Control, Liquor Licensing, Fire and Rescue, and Portland Police
10. The permitted area must be cleaned and all garbage removed prior to reopening the street to its normal public use at the time of the permit expiration
11. In advance of the event, parking to be reserved as follows: in metered areas parking to be reserved and enforced by City of Portland Parking Enforcement Division. In non-metered areas, the applicant is responsible for installation of parking reservation. PBOT to supply parking signage.
12. Alcohol use in the public right of way is allowed during an event in the approved designated areas
13. Alcohol service areas must be designated by a physical barrier that has been approved by PBOT
14. Alcohol is regulated by the Oregon Liquor and Licensing Commission (OLCC)
15. Applications may be denied if another City Bureau objects to the closure based on concerns of neighborhood livability such as noise, disorderly conduct, litter or public safety

7. Code / Ordinance Reference | 17.24.017, 14A.50.010

C. Pedestrian Plazas

Long-term community placemaking projects within the right-of-way to create open space on underutilized streets, alleys, or other roadways for the public to use and activate.

CATEGORY	EXPLANATION
1. Duration	Pedestrian plazas should be designed to be long-term. Short-term (temporary) pedestrian plazas may be permitted as a Street Prototyping project.
2. Street Type	Pedestrian plazas may occur on any street type that is adjacent to or close proximity to a partnering business or organization.
3. Adjacent Use Types	Pedestrian plazas typically occur in commercial areas. Proposed site should be located near commercial activity or other uses that generate pedestrian activity.
4. Community Support/Notification Scale	Complex in accordance with section 4 of this Administrative Rule. Notification may be more if determined by PBOT and stakeholder review.
5. Insurance	Insurance is <u>optional</u> for this type of permit. The permittee may want to insure the pedestrian plaza. Sidewalk cafes, vending carts or other items placed within the plaza will be subject to rules associated with those items.
6. Requirements	<ol style="list-style-type: none"> 1. Pedestrian plazas may occur on any street type that is adjacent to or close proximity to a partnering business or organization 2. Pedestrian plazas must be open to public 3. Pedestrian and bicycle thru access must be maintained through the pedestrian plaza be ADA compliant 4. Pedestrian plazas may require emergency access as determined by Portland Fire and Rescue 5. 3 feet diameter clearance are required around all fire hydrants and fire department connections on all buildings

7. Code / Ordinance Reference	17.43	<ol style="list-style-type: none"> 6. Pedestrian plazas are responsible to obtain and adhere to all other City and State permits and licenses including but not limited to: Noise Control, Liquor Licensing, Fire and Rescue, and Portland Police 7. The pedestrian plaza must be cleaned and all garbage removed pursuant to the Maintenance and Operations agreement 8. Alcohol use in the pedestrian plaza is only allowed within the designated sidewalk cafe areas, or community event alcohol areas and as regulated by Oregon Liquor and Licensing Commission (OLCC) 9. Applications may be denied or permit may be revoked if another City Bureau objects to the pedestrian plaza based on concerns of neighborhood livability such as noise, disorderly conduct, litter or public safety 10. A separate Maintenance and Operations agreement will be required 11. Separate permits are required for sidewalk cafes, vending carts, or other items placed within the plaza 12. Separate review may be required within special design districts and historic districts 13. Pedestrian plazas must have some type of physical delineation from vehicle areas as required by the City Traffic Engineer
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D. Spaces to Places

These projects turn gravel, dirt and underdeveloped low volume streets or alleyways into places where people want to gather and install amenities desirable to the community.

CATEGORY	EXPLANATION
1. Duration	Spaces to places should be designed to be long-term. Short-term (temporary) Spaces to places may be permitted as a Street Prototyping project.
2. Street Type	Spaces to Places may occur on any street type that is adjacent to or close proximity to a partnering business, partnering residence, or organization.

3. Adjacent Use Types	Spaces to Places typically occur in residential areas.
4. Community Support/Notification Scale	Moderate to Complex in accordance with section 4 of this Administrative Rule. Notification may be more if determined by PBOT and stakeholder review.
5. Insurance	Insurance may be required for this type of permit.
6. Requirements	<ol style="list-style-type: none"> 1. Spaces to Places may occur on any street type that is adjacent to or close proximity to a partnering business, partnering residence or organization 2. Spaces to Places must be open to public 3. Pedestrian and bicycle thru access must be maintained through Spaces to Places 4. Spaces to Places may require emergency access as determined by Portland Fire and Rescue 5. 3 feet diameter clearance are required around all fire hydrants and fire department connections on all buildings 6. The Spaces to Places must be cleaned and all garbage removed pursuant to the Maintenance and Operations agreement 7. Drug and Alcohol use is not allowed in Spaces to Places 8. Applications may be denied or permit may be revoked if another City Bureau objects to the Spaces to Places based on concerns of neighborhood livability such as noise, disorderly conduct, litter or public safety 9. A separate Maintenance and Operations agreement will be required 10. Separate permits are required for items placed within the Spaces to Places 11. Separate review may be required within special design districts and historic districts 12. Spaces to places must have some type of physical delineation from vehicle areas as required by the City Traffic Engineer
7. Code / Ordinance Reference	

E. Street Paintings

Large format works of art, designed and painted on local streets that build community, empower neighbors to shape their own public realm, create an artistic expression that's about the people who live nearby, and break down social isolation.

CATEGORY	EXPLANATION
1. Duration	The painting of the street is usually one to two days. However, the street painting itself will last longer (depending on re-painting). There are no minimum requirements for duration.
2. Street Type	<p>Streets that are eligible for permit are Local Service Streets satisfying the following criteria:</p> <ol style="list-style-type: none"> 1. There must be fewer than a combined 2,500 vehicles on an average day entering an intersection and fewer than 2,000 motor vehicles per day for mid-block paintings. 2. Does not have a bus line 3. Is not a designated major emergency route <p>Additional locations may be approved by the City Traffic Engineer on a case by case review.</p>
3. Adjacent Use Types	Street paintings are typically in residential areas which may abut mixed-use areas.
4. Community Support/Notification Scale	Simple to Moderate in accordance with section 4 of this Administrative Rule. In addition, signatures required from all residents that are directly adjacent to the painting (and signatures of 80% of residents on and along each street for 400 feet).
5. Insurance	<p>Insurance is <u>optional</u> for this type of permit. The permittee may want to insure the street painting through one of the following options:</p> <ol style="list-style-type: none"> 1. Their Homeowners insurance 2. A special rider purchased to cover the street painting 3. A special event policy 4. A TULIP policy (Tenant Users Liability Policy).
6. Requirements	<p>The final permit will include the following PBOT approved permit components:</p> <ol style="list-style-type: none"> 1. City Traffic Engineer approved street painting design. <ul style="list-style-type: none"> o Design cannot include:

7. Code / Ordinance Reference	<ul style="list-style-type: none"> ▪ Speech; including words, letters and numbers, and universally recognized symbols ▪ Traffic control devices or that emulate a traffic control device ▪ Copyright material <ol style="list-style-type: none"> 2. Provide approved barricades, signs, illumination, and other safety control devices as required by the “Conditions of the Permit for Use of Dedicated Street Area” section of the Permit or as deemed by the City Traffic Engineer 3. That the permit be used for street area only 4. A 11-foot-wide emergency lane shall be maintained at all times for use by emergency vehicles <p>Ordinance 187193</p>
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F. Street Prototyping

Community-Initiated projects that test a new street or intersection design concept, and collect data to inform future design decisions.

CATEGORY	EXPLANATION
1. Duration	Permit duration can range from one day to one year. Project duration can depend on a variety of issues, including but not limited to: right-of-way and traffic circumstances and data collection needs.
2. Street Type	Permits are not allowed on state highways.
3. Adjacent Use Types	No restrictions.
4. Community Support/Notification Scale	Complex in accordance with section 4 of this Administrative Rule. Notification may be more per PBOT and stakeholder review.
5. Insurance	Required in accordance with Section 7 of this Administrative Rule.

6. Requirements

The final permit will include the following PBOT approved permit components:

1. Project proposal and design goals
2. Material selection
3. Traffic Control Plan, including emergency vehicle access, MUTCD and ADA compliance
4. Volunteer, implementation and signage plan
5. Maintenance and operations plan
6. Data collection, evaluation, and final evaluation report

7. Code / Ordinance Reference

7. Insurance

Many of the Portland in the Streets permits require the permittee to name the City as an additional insured. The insurance certificate is intended to protect the public from any liability it may incur under the Oregon Tort Claims Act as a result of granting the requested permit. Prior to issuance of certain permits, the insurance certificate and endorsement shall be approved by the city attorney in accordance with TRN-10.21 (Insurance Requirements for Permits issued by Street Systems Management).

8. Permit Fees

Fees are assessed per the current fee schedule in accordance with TRN-3.450 (Transportation Fee Schedule). The Commissioner in charge is authorized to grant fee waivers/reductions that meet the Portland in the Streets program goals.

9. Complaints and Opposition to Permit Issuance

Portland in the Street permits are intended to build a sense of community. If the local neighborhood association or other interested party objects to the issuance of a permit, they may contact their District Coalition Office or The Office of Neighborhood Involvement (ONI) to register a complaint. Complaints will be reviewed by PBOT along with potential mitigation efforts and considered in renewal. If a bureau notifies PBOT of an objection to a proposed project based on noise, safety, garbage or livability, PBOT may deny a permit request.

10. Enforcement

The PBOT Director shall retain the right to inspect and enforce permit compliance related to PBOT rules and regulations. Enforcement of PBOT rules shall be in accordance with TRN-8.14 (Right-Of-Way Use Enforcement Program).

11. Administrative Review

A person may request reconsideration of a PBOT decision through administrative review as described in this Section and may subsequently appeal to the City Code Hearings Officer (CHO) as described in Section 13.

1. **Administrative Review Requests.** A recipient of a permit or letter of denial will have 20 days from the date the notice is mailed to submit a written request for administrative review. PBOT will conduct a review within 14 days of receiving the notice. The requestor must provide detailed information sufficient to conduct the administrative review. The review will be based in part on program-specific criteria used to assess penalties and on any extenuating circumstances.
2. **PBOT Evaluation.** Upon review, PBOT may approve, approve with conditions, deny or modify permit conditions.
3. **Final Determination.** The requestor will receive a written final determination within 14 days of the administrative review unless an extension is agreed to by all parties. The final determination will provide information about the process for filing an appeal to the CHO.

12. Appeals

All persons must complete a PBOT administrative review before appealing to the CHO under PCC Title 22.10, Appeals to the CHO. A request for an appeal hearing shall be filed directly with the CHO at the Hearings Office per 22.10.0300.B.

- A. **Hearing Fee.** Only the Hearings Office can charge an appeal fee for an appeal to the Hearings Office. Per Administrative Rule 9.06 – Appeal Fee, the appeal fee has been reduced to \$0.00.
- B. **Process.** An appellant who requests a hearing must submit all appeal application materials to the Code Hearings Office. Upon receipt of a request for hearing, the Code Hearings Officer shall schedule and hold an appeal hearing within 30 days after the receipt of such request.
- C. **Final Orders.** After the hearing, the CHO may enter an order granting, modifying, or denying the action requested. Review of the final order of a CHO by any aggrieved party, including the City, shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010.

13. Code Reference

Portland City Code Chapter 16 Vehicles and Traffic, and Chapter 17 Public Improvements.
Includes any and all requirements applicable by state and federal law.
Pursuant to Rule Making Authority Chapter & Section 3.12