

ORDINANCE No. 186103

*Authorize At-Grade Crossing Agreements with Union Pacific Railroad Company to utilize railroad right-of-way for new roadway and sidewalk crossings at SE 8th Ave, SE 11th Ave and SE 12th Ave for the Portland-Milwaukie Light Rail Transit Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Union Pacific Railroad Company (Railroad) owns right of way and operates tracks that cross SE 8th Avenue, SE 9th Avenue, SE Division Place, SE 11th Avenue, and SE 12th Avenue at existing at-grade public road crossings.
2. The Tri-County Metropolitan Transportation District of Oregon (TriMet) is constructing the Portland-Milwaukie Light Rail Transit Project (Project) adjacent to the Railroad's tracks.
3. In addition to the new light rail facilities, the Project will construct new sidewalks, reconstruct and extend the existing roadway crossing surfaces, and install new signal facilities at the at-grade public road crossings at SE 8th, SE 11th and SE 12th Avenues. The project will also remove the existing SE 9th Avenue, SE Division Place and SE Clinton Street at-grade public road crossings.
4. The Oregon Department of Transportation (ODOT) issued Crossing Orders 50979 and 50980 on December 5, 2012 authorizing TriMet to make alterations to the at-grade public road crossings.
5. The City does not have sufficient right of way to accommodate the new sidewalks at SE 8th, 11th and 12th Avenues, nor does it have sufficient right of way to accommodate the new roadway crossing at SE 8th Avenue.
6. By separate agreement between Railroad and TriMet, the Railroad has agreed to grant the City use of Railroad right-of-way and TriMet has paid compensation to the Railroad for those rights.
7. The Railroad has drafted At-Grade Crossing Agreements to permit the City to utilize Railroad right of way for the new sidewalks and roadway crossing at 8th Avenue, to utilize Railroad right of way for the new sidewalks at SE 11th and SE 12th Avenues, and to address future maintenance obligations.

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NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor are hereby authorized to enter into At-Grade Crossing Agreements with Union Pacific Railroad Company, in similar form to the agreements attached as Exhibits A and B, subject to review and approval as to form by the City Attorney.

Section 2. The Council declares that an emergency exists because a delay in executing these agreements could delay construction of the improvements with possible impacts to project schedule and increased costs; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 19 2013

Commissioner Steve Novick
Prepared by: Jean Senechal Biggs: slg
Date Prepared: 05-28-13

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

✓140

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Agenda No. **186103**

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Title

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<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p>	<p>CLERK USE: DATE FILED <u>JUN 14 2013</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick <i>[Signature]</i></p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program</p> <p>Other:</p> <p>Prepared by: Jean Senechal Biggs: <i>[Signature]</i> slg Date Prepared: 05-28-13</p>	<p>ACTION TAKEN:</p>
<p>Financial Impact & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date June 19, 2013</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 min (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	