

ORDINANCE No. 189290

Clarify maintenance responsibilities for unimproved streets (Ordinance; amend Code Section 17.42.010)

The City of Portland ordains:

Section 1. The Council finds:

1. Within the City of Portland there are approximately 250 miles of unimproved local service streets, including 50 miles of unpaved dirt or gravel roads, and another 200 miles of paved roads without curbs. Paved roads without curbs are very unlikely to have sidewalks or adequate stormwater management infrastructure.
2. Unimproved streets negatively affect the quality of life in the City of Portland in multiple ways, including: lack of safe pedestrian routes, reduced connectivity for all modes of transportation and localized drainage issues.
3. In 1988, a citizen's task force asked the City to offer more flexible, less costly street standards.
4. Ordinance No. 177124, effective January 10, 2003, reinforced then-existing City Code provisions establishing that, until a street improvement has been constructed to City standards and the City has expressly assumed responsibility for street maintenance, street maintenance is the responsibility of abutting property owners.
5. Ordinance No. 188891, effective May 11, 2018, directed the Bureau of Transportation to develop additional components of a Neighborhood Streets Program (NSP), including a maintenance program for grading and graveling unimproved streets, with a specific proposal to be included in the FY 2018-19 budget.
6. For the NSP, public outreach was conducted from 2015 to 2017, including a phone survey, a multilingual online survey, three focus group events, and presentations to neighborhood coalitions, associations, and advisory committees. Collectively, these outreach efforts resulted in direct feedback from 4,000 residents of the City of Portland in five different languages: English, Chinese, Russian, Spanish, and Vietnamese. Additionally, all 28,000 households located on unimproved streets were invited to participate in one of three focus groups.
7. Based on input from residents living on unimproved local residential streets, PBOT identified additional components of the NSP that would require separate development, one of which was the grading and graveling of 50 miles of dirt and gravel streets.

8. Dirt and gravel streets at the neighborhood level are the weak links of the City's local street transportation and stormwater management networks. While simply maintaining the 50 miles of dirt and gravel streets is not a long-term solution, grading and gravel such streets on an ongoing basis will improve local access, safety and mobility.
9. The adopted FY 2018-19 budget includes funding for the Grade and Gravel Street Program. Through this program, the City will grade and gravel approximately 15 miles of unimproved streets each year, beginning in the fall of 2018. The program is intended to be continued in future years at the discretion of the City, potentially allowing all gravel streets in the City to receive this service on a multi-year cycle.
10. PBOT seeks to amend City Code section 17.42.010 A to make it clear that discretionary maintenance and repair activities by the City on gravel streets through the Grade and Gravel Street Program or similar future programs will not affect the long-standing City policy that maintenance of gravel streets is the responsibility of abutting property owners.

NOW, THEREFORE, the Council directs:

- a. City Code Section 17.42.010 A is amended as follows:

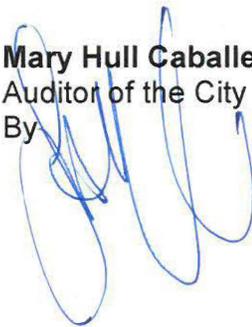
It has been and remains the policy of the City of Portland that streets are constructed at the expense of abutting property owners and are maintained by abutting property owners until street improvements are constructed to the applicable standards of, and accepted for maintenance by, the City. Until a street improvement has been constructed to City standards and the City has expressly assumed responsibility for street maintenance, it is the exclusive duty of the abutting property owners to construct, reconstruct, repair and maintain the unimproved street in a condition reasonably safe for the uses that are made of the street and adjoining properties. Streets that have not been improved to City standards are not and will not be maintained or improved at City expense, except at the discretion of the City and as provided in this Code and the City Charter.

The City may, at its discretion, conduct maintenance and repair activities on gravel streets. Such an action will not constitute an express or implicit decision by the City to accept maintenance responsibility for such a street.

Passed by the Council: DEC 12 2018

Commissioner: Chloe Eudaly
Prepared by: Anne Hill:CB
Date Prepared: October 29, 2018

Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

Agenda No.
ORDINANCE NO. 189290
Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Chloe Eudaly	CLERK USE: DATE FILED <u>NOV 27 2018</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u>Susan Parsons</u> Deputy
BUREAU APPROVAL Bureau: Portland Bureau of Transportation Group Manager: <u>Christine Leon</u> Prepared by: Anne Hill:CB Date Prepared: 10/26/2018	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN: DEC 05 2018 PASSED TO SECOND READING DEC 12 2018 9:30 A.M.
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date 12/05/2018	

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

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