

RESOLUTION No. 37489

Authorize City Attorney to file litigation on behalf of the City as may be required to protect its legal interests regarding the Streetcar crash on May 24, 2018 (Resolution)

WHEREAS, The City of Portland contracted with Vigor Works LLC (formerly Oregon Ironworks, Inc.) for the purchase of six streetcar vehicles and certain spare parts (“the Contract”); and

WHEREAS, On May 24, 2018, the City’s Streetcar No. 24, purchased by the City from Vigor pursuant to the Contract derailed after colliding with cars at or near Southeast Taylor on Southeast Grand in Portland, Oregon (the “Incident”).

WHEREAS, The operator of Streetcar No. 24 was unable to stop the streetcar because the master controller was stuck in the propulsion position.

WHEREAS, Inspection following the Incident showed that the non-serviceable stop screw within the master controller dislodged and became stuck. This caused the throttle handle to jam, preventing the operator from slowing the streetcar. The deadman system similarly did not function to stop the streetcar.

WHEREAS, The City has incurred damages as a result of the Incident including, the costs to repair of Streetcar 24, property damage to City property and infrastructure, and lost ticket revenue.

WHEREAS, The City Attorney’s Office has and is continuing to attempt to amicably resolve the issues arising from the Incident with Vigor Works LLC; and

WHEREAS, Despite the City’s attempts to resolve the matter amicably, it may be necessary to file litigation to preserve and protect the City’s legal interests and recover damages the City has and continues to incur.

NOW, THEREFORE, BE IT RESOLVED, that the City Attorney is authorized to file litigation on behalf of the City of Portland as may be required to protect its legal interests regarding the Incident.

Adopted by the Council: **June 3, 2020**

Mayor Ted Wheeler

Prepared by Naomi Sheffield

Date Prepared: May 11, 2020

Mary Hull Caballero

Auditor of the City of Portland

By

Keelan McClymont

Deputy

416
Agenda No.
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Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>5/26/20</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration – Wheeler</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p>
<p>Position 1/Utilities - Fritz</p>	<p>By: <u>Keelan McClymont</u> Deputy</p>
<p>Position 2/Works - Vacant</p>	<p>ACTION TAKEN:</p>
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Eudaly</p>	
<p>BUREAU APPROVAL</p> <p>Bureau: City Attorney Bureau Head: Naomi Sheffield</p>	
<p>Prepared by: Naomi Sheffield Date Prepared: <u>5/11/20</u></p>	
<p>Impact Statement 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>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p>	
<p>Council Meeting Date <u>6/3/20</u></p>	

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input checked="" type="checkbox"/></p> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Vacant</td> <td></td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	✓		2. Vacant			3. Hardesty	✓		4. Eudaly	✓		Wheeler	✓	
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