

TRN-9.01 - Administrative Appeals Process

ADMINISTRATIVE APPEALS PROCESS

Administrative Rule Adopted by Bureau of Transportation Engineering & Development Pursuant to Rule-Making Authority

ARB-TRN-9.01

June 21, 1995

MEMORANDUM

TO: Commissioner Charlie Hales

FROM: Vic Rhodes, City Engineer

RE: Appeals Process

In response to your memo regarding formalization of Transportation's administrative appeals process, I have drafted the attached language and provided it to Ann Kohler.

Transportation operates under City Code and Standards which are distinctively different from the Uniform Building Code administered by the Bureau of Buildings. The UBC is basically a consumer protection document in prescribing design and construction methodologies. While the City Code also contains detailed standard specifications and policy statements, there is flexibility for staff to respond to and resolve unique circumstances. The City is the ultimate owner of the infrastructure constructed in the public-right-of-way. Trained and experienced staff represent the City as the owner and are able to maintain a reasonable degree of flexibility in our technical requirements. In contrast to the majority of building purchasers, our staff is able to make informed judgements about our ability to maintain and operate proposed improvements. Technical disputes arise infrequently and are normally resolved by the manager of the Development Services Division and on occasion by me. Issues related to the application of City policy arise from time to time during the building permit process. These typically are related to requirements for construction of sidewalks, driveway placement and street LID waivers. In the past, these have been resolved satisfactorily through an "informal" process of management review.

The attached procedure defines a formal administrative appeals process, which we will implement coincident with the publication of the Rowhouse Customer Group Report. We are not proposing a fee at this time due to the infrequency of appeals. If the formal process results in an additional volume of appeals or a shift from informal resolution, we may recommend to Council that a fee be implemented to cover our costs.

Issues related to the requirements placed by Transportation on land use applications are resolved through the land use process under Title 34 (Hearings Officer, Council, LUBA). These types of issues represent the bulk of appeals related to our participation in the development process

Development Appeals Process

Transportation Engineering & Development

The Bureau of Transportation Engineering and Development reviews applications for building permits to be issued by the Bureau of Buildings where construction or encroachments in the public right-of-way are proposed or required. Applicants may be required to construct street improvements, sidewalks, and driveways as a condition of approval under authority of Title 17 of the City Code. The Bureau also issues permits for construction/reconstruction of streets in conjunction with land development which has been approved through the Bureau of Planning land use process. Bureau staff apply established code, City and PDOT policy and judgement in establishing requirements and technical specifications for this work. On occasion, applicants desire to have these decisions reviewed for appropriateness.

Customers may request informal review of staff decisions by management regarding the technical design of or requirements for transportation facilities as a part of the building permit process or street improvement permit process.

Applicants desiring to file a formal administrative appeal directly to the City Engineer should submit a letter requesting review. The applicant should identify the proposed project and clearly state what issues or requirements are being appealed and the rationale for the change requested. The City Engineer will convene the appropriate technical and management staff to review the applicants proposal and issue a written determination within ten business days of initial receipt from the applicant. The decision of the City Engineer regarding technical matters is final and conclusive. Policy determinations may be appealed to the City Council.

HISTORY

Filed for inclusion in PPD December 3, 2003.